

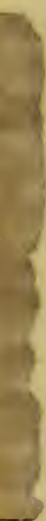
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CONSTITUTION  
OF THE  
STATE OF LOUISIANA.  
WITH AMENDMENTS.  
TO MAY 1894.

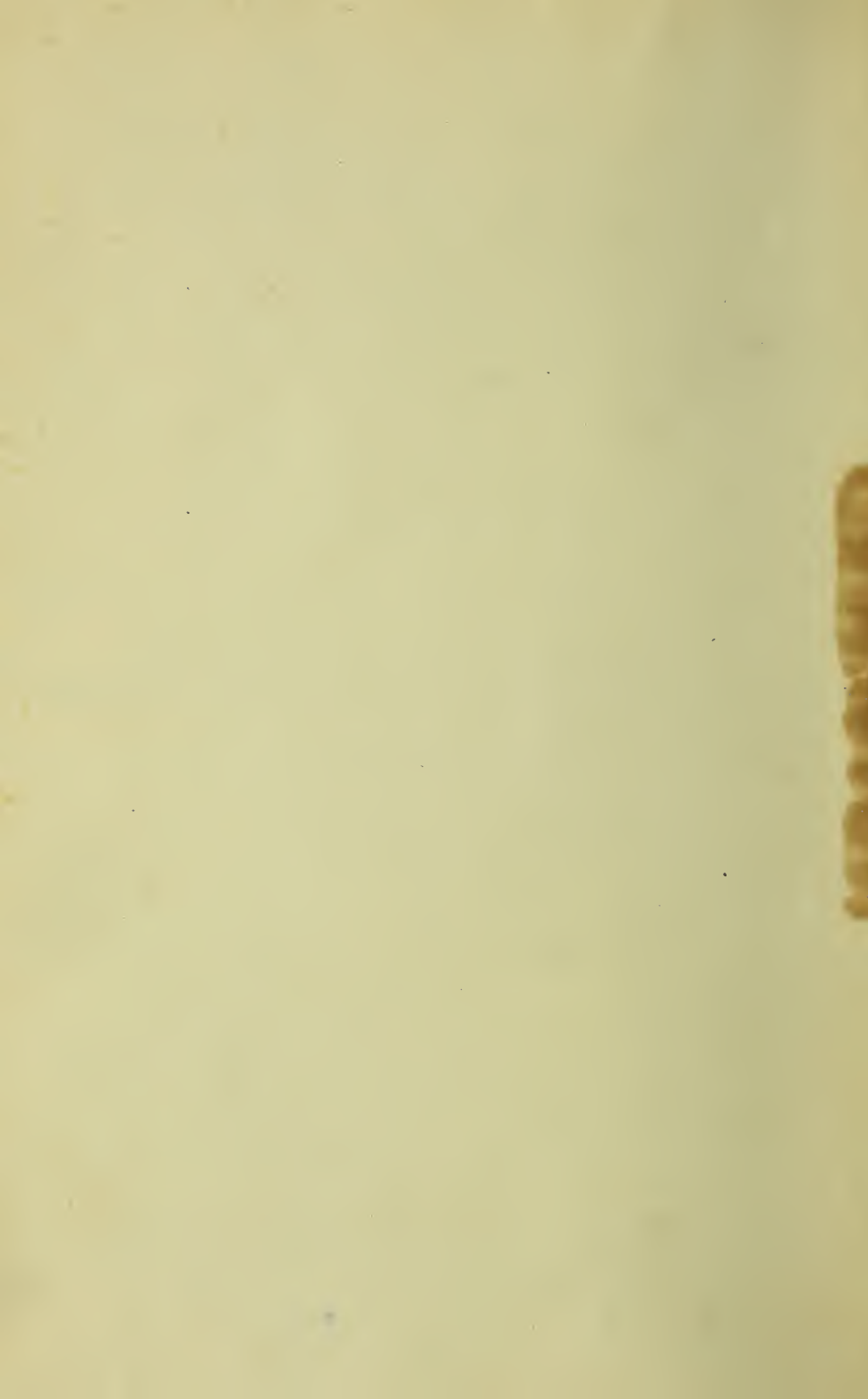
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# CONSTITUTION

OF THE

## State of Louisiana

ADOPTED IN CONVENTION

AT THE

### CITY OF NEW ORLEANS

The Twenty-Third Day of July,

A. D., 1879.

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BATON ROUGE:

THE ADVOCATE, OFFICIAL JOURNAL OF THE STATE OF LOUISIANA,  
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# CONSTITUTION.

## PREAMBLE.

We, the people of the State of Louisiana, in order to establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to ourselves and our prosperity, acknowledging and invoking the guidance of Almighty God, the author of all good government, do ordain and establish this constitution.

## BILLS OF RIGHTS.

ARTICLE 1. All government of right originates with the people, is founded on their will alone, and is instituted solely for the good of the whole, deriving its just powers from the consent of the governed. Its only legitimate end is to protect the citizen in the enjoyment of life, liberty and property. When it assumes other functions it is usurpation and oppression.

ART. 2. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

ART. 3. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed.

ART. 4. No laws shall be passed respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition the government for a redress of grievances.

ART. 5. There shall be neither slavery nor involuntary servitude in this State otherwise than for the punishment of crime, whereof the party shall have been duly convicted. Prosecutions

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shall be by indictment or information; *provided*, that no person shall be held to answer for a capital crime unless on a presentment or indictment by a grand jury, except in cases arising in the militia when in actual service in time of war or public danger, nor shall any person be twice put in jeopardy of life or liberty for the same offense, except on his own application for a new trial, or where there is a mistrial, or a motion in arrest of judgment is sustained.

ART. 6. No person shall be compelled to give evidence against himself in a criminal case or in any proceedings that may subject him to criminal prosecution, except where otherwise provided in this constitution, nor be deprived of life, liberty or property without due process of law.

ART. 7. In all criminal prosecutions the accused shall enjoy the right to a speedy public trial by an impartial jury, except that, in cases where the penalty is not necessarily imprisonment at hard labor or death, the General Assembly may provide for the trial thereof by a jury, less than twelve in number; *provided*, that the accused in every instance shall be tried in the parish wherein the offense shall have been committed, except in cases of change of venue.

ART. 8. In all criminal prosecutions the accused shall enjoy the right to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to defend himself, and to have the assistance of counsel and to have the right to challenge jurors peremptorily, the number of challenges to be fixed by statute.

ART. 9. Excessive bail shall not be required, nor excessive fines be imposed, nor cruel and unusual punishments inflicted. All persons shall be bailable by sufficient sureties, unless for capital offenses where the proof is evident or the presumption great; or unless after conviction for any crime or offense punishable with death or imprisonment at hard labor.

ART. 10. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

ART. 11. All courts shall be open, and every person for



injury done him in his rights, lands, goods, person or reputation shall have adequate remedy by due process of law and justice administered without denial or unreasonable delay.

ART. 12. The military shall be in subordination to the civil power.

ART. 13. This enumeration of rights shall not be construed to deny or impair other rights of the people not herein expressed.

### DISTRIBUTION OF POWERS.

ART. 14. The powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another.

ART. 15. No one of these departments, nor any person or collection of persons holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

### APPORTIONMENT.

ART. 16. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the total population. Each parish shall have at least one Representative. The first enumeration to be made by the State authorities under this Constitution, shall be made in the year eighteen hundred and ninety, and subsequent enumerations shall be made every tenth year thereafter, in such manner as shall be prescribed by law, for the purpose of ascertaining the total population and the number of qualified electors in each parish and election district. At its first regular session after each enumeration, the General Assembly shall apportion the representation among the several parishes and election districts on the basis of the total population as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many Representatives as the aggregate number of its population will entitle it to, and an additional Representative for any fraction exceeding one-half the representative num-

ber. The number of Representatives shall not be more than ninety-eight, nor less than seventy.

ART. 17. The General Assembly, in every year in which they shall apportion representation in the House of Representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. Whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the General Assembly, but shall not be attached to more than one district. The number of Senators shall not be more than thirty-six nor less than twenty-four, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts.

ART. 18. Until an enumeration shall be made in accordance with Articles 16 and 17, the State shall be divided into the following senatorial districts, with the number of Senators hereinafter designated to each district:

The First Senatorial District shall be composed of the eighth and ninth wards of Orleans, and of the parishes of St. Bernard and Plaquemines, and shall elect two Senators.

The Second District shall be composed of the fourth, fifth, sixth and seventh wards of Orleans, and shall elect two Senators.

The Third District shall be composed of the third ward of Orleans, and shall elect one Senator.

The Fourth District shall be composed of the second and fifteenth wards (Orleans, right bank) of Orleans, and shall elect one Senator.

The Fifth District shall be composed of the first and tenth wards of Orleans, and shall elect one Senator.

The Sixth District shall be composed of the eleventh, twelfth, thirteenth, fourteenth, sixteenth and seventeenth wards of Orleans, and shall elect two Senators.

The Seventh District shall be composed of the parishes of Jefferson, St. Charles and St. John the Baptist, and shall elect one Senator.

The Eighth District shall be composed of the parishes of St. James and Ascension, and shall elect one Senator.

The Ninth District shall be composed of the parishes of Terreborne, Lafourche and Assumption, and shall elect two Senators.

The Tenth District shall be composed of the parishes of St. Mary, Vermilion, Cameron and Calcasieu and shall elect two Senators.

The Eleventh District shall be composed of the parishes of St. Martin, Iberia and Lafayette, and shall elect one Senator,

The Twelfth District shall be composed of the parishes of St. Landry, and shall elect two Senators.

The Thirteenth District shall be composed of the parishes of Avoyelles and Pointe Coupee, and shall elect one Senator.

The Fourteenth District shall be composed of the parishes of Iberville and West Baton Rouge, and shall elect one Senator.

The Fifteenth District shall be composed of the parishes of East and West Feliciana, and shall elect one Senator.

The Sixteenth District shall be composed of the parish of East Baton Rouge, and shall elect one Senator.

The Seventeenth District shall be composed of the parishes of St. Helena, Livingston, Tangipahoa, Washington and St. Tammany, and shall elect one Senator.

The Eighteenth District shall be composed of the parishes of Rapides and Vernon, and shall elect one Senator.

The Nineteenth District shall be composed of the parishes of Natchitoches, Sabine, DeSoto and Red River, and shall elect two Senators.

The Twentieth District shall be composed of the parish of Caddo, and shall elect one Senator.

The Twenty-First District shall be composed of the parishes of Bossier, Webster, Bienville and Claiborne, and shall elect two Senators.

The Twenty-Second District shall be composed of the parishes of Union, Morehouse, Lincoln and West Carroll, and shall elect two Senators.

The Twenty-Third District shall be composed of the parishes

of Ouachita, Richland, Caldwell, Franklin and Jackson, and shall elect two Senators.

The Twenty-Fourth District shall be composed of the parishes of Catahoula, Winn and Grant, and shall elect one Senator.

The Twenty-Fifth District shall be composed of the parishes of East Carroll and Madison, and shall elect one Senator.

The Twenty-Sixth District shall be composed of the parishes of Tensas and Concordia, and shall elect one Senator.

Thirty-Six (36) Senators in all.

And the Representatives shall be apportioned among the parishes and representative districts as follows :

For the parish of Orleans—

First Representative District, first ward, one Representative.

Second Representative District, second ward, two Representatives.

Third Representative District, third ward, three Representatives.

Fourth Representative District, fourth ward, one Representative.

Fifth Representative District, fifth ward, two Representatives.

Sixth Representative District, sixth ward, one Representative.

Seventh Representative District, seventh ward, two Representatives.

Eighth Representative District, eighth ward, one Representative.

Ninth Representative District, ninth ward, two Representatives.

Tenth Representative District, tenth ward, two Representatives.

Eleventh Representative District, eleventh ward, two Representatives.

Twelfth Representative District, twelfth ward, one Representative.

Thirteenth Representative District, thirteenth and fourteenth wards, one Representative.

Fourteenth Representative District, sixteenth and seventeenth wards, one Representative.

Fifteenth Representative District, fifteenth ward, one Representative.

The parishes of Ascension, West Baton Rouge, Bienville, Bossier, Calcasieu, Caldwell, Cameron, East Carroll, West Carroll, Catahoula, Concordia, West Feliciana, Franklin, Grant, Iberia, Jackson, Jefferson, Lafayette, Lincoln, Livingston, Morehouse, Ouachita, Plaquemine, Pointe Coupee, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Tammany, Tangipahoa, Union, Vermilion, Vernon, Washington, Webster and Winn, each one Representative.

The parishes of Assumption, Avoyelles, East Baton Rouge, Caddo, Claiborne, DeSoto, East Feliciana, Iberville, Lafourche, Madison, Natchitoches, Rapides, St. Mary, Tensas and Terrebonne, each two Representatives.

The parish of St. Landry four Representatives.

This apportionment of Senators and Representative shall not be changed or altered in any manner until after the enumeration shall have been taken by the State in eighteen hundred and ninety, in accordance with the provisions of articles 16 and 17.

### GENERAL ASSEMBLY.

**ART. 19.** The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

**ART. 20.** The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Louisiana."

**ART. 21.** The General Assembly shall meet at the seat of government on the second Monday of May, 1882, at 12 o'clock noon, and biennially thereafter. Its first session under this constitution may extend to period of ninety days, but any subsequent session shall be limited to a period of sixty days. Should a vacancy occur in either house, the Governor shall order an election to fill such vacancy for the remainder of the term.

**ART. 22.** Every elector under this constitution shall be



eligible to a seat in the House of Representatives, and every elector who has reached the age of twenty-five years shall be eligible to the Senate; *provided*, that no person shall be eligible to the General Assembly unless at the time of his election he has been a citizen of the State for five years and an actual resident of the district or parish from which he may be elected for two years immediately preceding his election. The seat of any member who may change his residence from the district or parish which he represents, shall thereby be vacated, any declaration of a retention of domicile to the contrary notwithstanding; and members of the General Assembly shall be elected for a term of four years.

ART. 23. Each house shall judge of the qualifications, election and returns of its own members, choose its own officers (except President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct and contempt, and, with the concurrence of two-thirds of all its members elected, expel a member.

ART. 24. Either house, during the session, may punish by imprisonment any person not a member, who shall have been guilty of disrespect by disorderly or contemptuous behavior; but such imprisonment shall not exceed ten days for each offense.

ART. 25. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State which may have been created, or the emoluments of which may have been increased by the General Assembly during the time such Senator or Representative was a member thereof.

ART. 26. The members of the General Assembly shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

ART. 27. The members of the General Assembly shall receive a compensation not to exceed four dollars per day during their attendance, and their actual traveling expenses going

to and returning from the seat of government; but in no instance shall more than thirty dollars each way be allowed for traveling expenses.

ART. 28. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after the close of the session; when practicable, the minutes of each day's session shall be printed and placed in the hands of members on the day following. The original journal shall be preserved, after publication, in the office of Secretary of State, but there shall be required no other record thereof.

ART. 29. Every law enacted by the General Assembly shall embrace but one object, and that be expressed in the title.

ART. 30. No law shall be revived or amended by reference to its title, but in such cases the act revived or section as amended shall be re-enacted and published at length.

ART. 31. The general Assembly shall never adopt any system or code of laws by general reference to such system or code of laws, but in all cases shall recite at length the several provisions of the laws it may enact.

ART. 32. Not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members.

ART. 33. Neither House during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

ART. 34. The yeas and nays on any question in either House shall, at the desire of one-fifth of the members elected, be entered on the journal.

ART. 35. All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

ART. 36. No bill, ordinance, or resolution intended to have the effect of a law, which shall have been rejected by either House, shall be again proposed in the same House during the same session, under the same or any other title, without the

consent of a majority of the House by which the same was rejected.

ART. 37. Every bill shall be read on three different days in each House, and no bill shall be considered for final passage unless it has been read once in full, and the same has been reported on by a committee. Nor shall any bill become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the members voting for or against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

ART. 38. No amendment to bills by one House shall be concurred in by the other, except by a vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for or against recorded upon the journal thereof. And reports of committees of conference shall be adopted in either House only by a majority of the members elected thereto, the vote to be taken by yeas and nays, and the names of those voting for or against recorded upon the journal.

ART. 39. Whenever a bill that has been passed by both Houses is enrolled and placed in possession of the House in which it originated the title shall be read, and at the request of any five members, the bill shall be read in full, when the Speaker of the House of Representatives or the President of the Senate, as the case may be, shall act at once, sign it in open House, and the fact of signing shall be noted on the journal; thereupon the Clerk or Secretary shall immediately convey the bill to the other House, whose presiding officer shall cause a suspension of all other business to read and sign the bill in open session and without delay; as soon as bills are signed by the Speaker of the House and President of the Senate, they shall be taken at once, and on the same day, to the Governor by the Clerk of the House or Secretary of the Senate.

ART. 40. No law passed by the General Assembly, except the general appropriation act, or act appropriating money for the expenses of the General Assembly, shall take effect until promulgated. A law shall be considered promulgated at the place where the State journal is published the day after the

publication of such law in the State journal, and in all other parts of the State, twenty days after such publication.

ART. 41. The clerical officers of the two Houses of Representatives shall be a Secretary of the Senate and Clerk of the House of Representatives, with such assistants as may be necessary, but the expenses for clerks and employes shall not exceed sixty dollars daily for the Senate, nor seventy dollars daily for the House.

ART. 42. All stationery, printing, paper and fuel used in the legislative and other departments of government, shall be furnished, and the printing, binding and distributing of the laws, journals and department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be done under contract, to be given to the lowest responsible bidder below such maximum price, and under such regulations as shall be prescribed by law; *provided*, that such contracts shall be awarded only to citizens of the State. No member or officer of any of the departments of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, the President of the Senate and Speaker of the House of Representatives, or any two of them.

#### LIMITATION OF LEGISLATIVE POWERS.

ART. 43. No money shall be drawn from the treasury except in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of receipts and expenditures of all public moneys shall be published every three months, in such manner as shall be prescribed by law.

ART. 44. The General Assembly shall have no power to contract, or to authorize the contracting, or any debt or liability, on behalf of the State, or to issue bonds or other evidence of indebtedness thereof, except for the purpose of repelling invasion or for the suppression of insurrection.

ART. 45. The General Assembly shall have no power to

grant, or to authorize any parish or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant or contractor, nor pay, nor authorize the payment, of any claim against the State, or any parish or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

ART. 46. The General Assembly shall not pass any local or special law on the following specified objects:

For the opening and conducting of elections, or fixing or changing the place of voting.

Changing the names of persons.

Changing the venue in civil or criminal cases.

Authorizing the laying out, opening, closing, altering or maintaining roads, highways, streets or alleys, or relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other State.

Authorizing the adoption or legitimation of children or the emancipation of minors.

Granting divorces.

Changing the law of decent or succession.

Affecting the estates of minors or persons under disabilities.

Remitting fines, penalties and forfeitures or refunding moneys legally paid into the treasury.

Authorizing the constructing of street passenger railroads in any incorporated town or city.

Regulating labor, trade, manufacturing or agriculture.

Creating corporations, or amending, renewing, extending or explaining the charter thereof; *provided*, that this shall not apply to the corporation of the city of New Orleans, or to the organization of levee districts and parishes.

Granting to any corporation, association or individual any special or exclusive right, privilege or immunity.

Extending the time for the assessment or collection of taxes, or for the relief of any assessor or collector of taxes from the due performance of his official duties, or of his securities from lia-



bility; nor shall any such be passed by any political corporation of this State.

Regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

Exemption of property from taxation.

Fixing the rate of interest.

Concerning any civil or criminal actions.

Giving effect to informal or invalid wills or deeds, or to any illegal disposition of property.

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes.

Legalizing the unauthorized or invalid acts of any officer, servant, agent of the State, or of any parish or municipality thereof.

ART. 47. The General Assembly shall not indirectly enact special or local laws by the partial repeal of a general law; but laws repealing local or special laws may be passed.

ART. 48 No local or special laws shall be passed on any subject not enumerated in Article 46 of this Constitution, unless notice of the intention to apply therefor shall have been published, without cost to the State, in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the same manner provided by law for the advertisement of judicial sales. The evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed, and every such act shall contain a recital that such notice has been given.

ART. 49. No law shall be passed fixing the price of manual labor.

ART. 50. Any member of the General Assembly who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to

the House of which he is a member, and shall not vote thereon.

ART. 51. No money shall ever be taken from the public treasury, directly or indirectly in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such, and no preference shall ever be given to nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or worship, nor shall any appropriations be made for private charitable or benevolent purposes to any person or community; *provided*, this shall not apply to the State asylums for the insane and deaf, dumb and blind and the charity hospitals and public charitable institutions conducted under State authority.

ART. 52. The General Assembly shall have no power to increase the expenses of any office by appointing assistant officials.

ART. 53. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the government, interest on the public debt, public schools and public charities, and such bill shall be so itemized as to show for what account each and every appropriation shall be made. All other appropriations shall be made by separate bills, each embracing but one object.

ART. 54. Each appropriation shall be for a specific purpose, and no appropriation shall be made under the head or title of contingent; nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund.

ART. 55. No appropriation of money shall be made by the General Assembly in the last five days of the session thereof; all appropriations to be valid, shall be passed and receive the signatures of the President of the Senate and Speaker of the House of Representatives five full days before the adjournment *sine die* of the General Assembly.

ART. 56. The funds, credit, property or things of value of the State, or of any political corporation thereof, shall not be loaned, pledged or granted to or for any person or persons, association or corporation, public or private; nor shall the State, or any political corporation, purchase or subscribe to the capital or

stock of any corporation or association whatever, or for any private enterprise. Nor shall the State, nor any political corporation thereof assume the liabilities of any political, municipal, parochial, private, or other corporation or association whatsoever; nor shall the State undertake to carry on the business of any such corporation or association, or become a part owner therein; *provided*, the State, through the General Assembly, shall have power to grant the right of way through its public lands to any railroad or canal.

ART. 57. The General Assembly shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State, or to any parish or municipal corporation therein; *provided*, the heirs to confiscated property may be released of all taxes due thereon at the date of its reversion to them.

#### EXECUTIVE DEPARTMENT.

ART. 58. The Executive Department shall consist of a Governor, Lieutenant Governor, Auditor, Treasurer, and Secretary of State.

ART. 59. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the Governor of Louisiana. He shall hold his office during four years, and, together with the Lieutenant Governor, chosen for the same term, shall be elected as follows: The qualified electors for Representatives shall vote for a Governor and Lieutenant Governor at the time and place of voting for Representatives.

The returns of every election for Governor and Lieutenant Governor shall be sealed up separately from the returns of election of other officers, and transmitted by the proper officer of every parish to the Secretary of State, who shall deliver them, unopened, to the General Assembly then next to be holden. The members of the General Assembly shall meet on the first Thursday after the day on which they assemble, in the House of Representatives, to examine and count the votes. The person having the greatest number of votes for Governor shall be declared

duly elected; but in case two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall immediately be chosen Governor by the joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor shall be Lieutenant Governor; but if two or more persons shall be equal and highest in number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor, by joint vote of the members of the General Assembly.

ART. 60. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have attained the age of thirty years, been ten years a citizen of the United States, and resident of the State for the same space of time next preceding his election, or who shall be a member of Congress, or shall hold office under the United States at the time of, or within six months immediately preceding the election for such office.

ART. 61. The Governor shall enter on the discharge of his duties the first Monday next ensuing the announcement by the General Assembly of the result of the election for Governor, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected and shall have taken the oath or affirmation required by this constitution.

ART. 62. In case of the impeachment of the Governor, his removal from office, death, refusal or inability to qualify, disability, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted or the disability be removed. In the event of the removal, impeachment, death, resignation, disability or refusal to qualify of both the Governor and Lieutenant Governor, the President *pro tempore* of the Senate shall act as Governor until the disability be removed or for the residue of the term.

That in the event of the death, or from whatever cause the office of Lieutenant Governor shall become vacant, then, and in that event, the President *pro tempore* of the Senate shall fill the

office of Lieutenant Governor, performing all the duties incident to the office and receiving its emoluments.

ART. 63. The Lieutenant Governor, or officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

ART. 64. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall have only a casting vote therein. The Senate shall elect one of its members as President *pro tempore* of the Senate.

ART. 65. The Lieutenant Governor shall receive for his services a salary which shall be double that of a member of the General Assembly, and no more.

ART. 66. The Governor shall have power to grant reprieves for all offenses against the State, and, except in cases of impeachment or treason, shall, upon the recommendation in writing of the Lieutenant Governor, Attorney General and presiding judge of the court before which conviction was had, or of any two of them, have power to grant pardons, commute sentences, and remit fines and forfeitures after conviction. In cases of treason he may grant reprieves until the end of the next session of the General Assembly, in which body the power of pardoning is vested.

ART. 67. The Governor shall receive a salary of four thousand dollars per annum, payable monthly on his own warrant.

ART. 68. He shall nominate, and by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution, and whose appointments or elections are not herein otherwise provided for; *provided*, however, that the General Assembly shall have the right to prescribe the mode of appointment or election to all offices created by it.

ART. 69. The Governor shall have the power to fill vacancies that may happen during the recess of the Senate, in cases not otherwise provided for in this Constitution, by granting commissions which shall expire at the end of the next session; but no person who has been nominated for office and rejected, shall be appointed to the same office during the recess of the Senate. The failure of the Governor to send into the Senate



the name of any person appointed for office, as herein provided, shall be equivalent to a rejection.

ART. 70. He may require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices. He shall be Commander-in-Chief of the militia of the State, except when they shall be called into active service of the United States.

ART. 71. He shall, from time to time, give to the General Assembly information respecting the situation of the State, and recommend to its consideration such measures as he may deem expedient.

ART. 72. He shall take care that the laws be faithfully executed, and he may, on extraordinary occasions, convene the General Assembly at the seat of government, or, if that should have become dangerous from an enemy or from an epidemic, at a different place. The power to legislate shall be limited to the objects enumerated specifically in the proclamation convening such extraordinary session; therein the Governor shall also limit the time such session may continue; *provided*, it shall not exceed twenty days. Any legislative action had after the time so limited, or as to other objects than those enumerated in said proclamation, shall be null and void.

ART. 73. Every bill which shall have passed both Houses, shall be presented to the Governor; if he approve, he shall sign it; if not, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such consideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which likewise it shall be reconsidered, and if passed by two-thirds of the members elected to that House, it shall be a law; but in such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly,

by adjournment, shall prevent its return, in which case it shall not be a law.

ART. 74. The Governor shall have the power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law and the item or items of appropriations disapproved shall be void unless repassed, according to the rules and limitations prescribed for the passage of other bills, over the Executive veto.

ART. 75. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on a question of adjournment, or on matters of parliamentary proceedings, or an address for removal from office, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of the members elected to each House.

ART. 76. The Treasurer, Auditor, Attorney General, and Secretary of State, shall be elected by the qualified electors of the State for the term of four years; and in case of vacancy caused by death, resignation or permanent absence of either of said officers, the Governor shall fill such vacancy by appointment, with the advice and consent of the Senate; *provided*, however, that notwithstanding such appointment, such vacancy shall be filled by election at the next election after the occurrence of the vacancy.

ART. 77. The Auditor of Public Accounts shall receive a salary of two thousand five hundred dollars per annum; the Treasurer shall receive a salary of two thousand dollars per annum; and the Secretary of State shall receive a salary of one thousand eight hundred dollars per annum. Each of the before named officers shall be paid monthly, and no fees or perquisites or other compensation shall be allowed to said officers; *provided*, the Secretary of State may be allowed fees as may be provided by law for copies and certificates furnished to private persons.

ART. 78. Appropriations for the clerical expenses of the officers named in the preceding article shall specify each item of such appropriations; and shall not exceed in any one year,

for the Treasurer, the sum of two thousand dollars; for the Secretary of State, the sum of one thousand five hundred dollars; and for the Auditor of Public Accounts, the sum of four thousand dollars.

ART. 79. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal, signed by the Governor and countersigned by the Secretary of State.

### JUDICIARY DEPARTMENT.

ART. 80. The judicial power shall be vested in a Supreme Court, in courts of appeal, in district courts and in justices of the peace.

ART. 81. The Supreme Court, except in cases hereninafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases when the matter in dispute, or the fund to be distributed, whatever may be the amount therein claimed, shall exceed two thousand dollars, exclusive of interest; to suits for divorce and separation from bed and board; to suits for nullity of marriage; to suits involving the rights to homesteads; to suits for interdiction; and to all cases in which the constitutionality or legality of any tax, toll or impost whatever, or of any fine, forfeiture or penalty imposed by a municipal corporation shall be in contestation, whatever may be the amount thereof, and in such cases the appeal on the law and the fact shall be directly from the court in which the case originated to the Supreme Court; and to criminal cases, on questions of law alone, whenever the punishment of death or imprisonment at hard labor may be inflicted, or a fine exceeding three hundred dollars (\$300) is actually imposed.

ART. 82. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice and Associate Justices shall each receive a salary of five thousand dollars (5000) per annum, payable monthly on their own warrants. They shall be appointed by the Governor, by and with the advice and consent of the Senate. The first Supreme Court to be organized under this constitution shall be appointed as follows: The

Chief Justice for the term of twelve years; one Associate Justice for the term of ten years; one for the term of eight years, one for the term of six years; and one for the term of four years, and the Governor shall designate in the commission of each the term for which such judge is appointed. In case of death, resignation or removal from office of any of said judges, the vacancy shall be filled by appointment for the unexpired term of said judge, and upon expiration of the term of any said judges the office shall be filled by appointment for a term of twelve years. They shall be citizens of the United States, and of the State, over thirty-five years of age, learned in the law, and shall have practiced law in this State for ten years preceding their appointment.

ART. 83. The State shall be divided into four Supreme Court Districts, and the Supreme Court shall always be composed of judges appointed from said districts. The parishes of Orleans, St. John the Baptist, St. Charles, St. Bernard, Plaquemines and Jefferson shall compose the first district, from which two judges shall be appointed.

The parishes of Caddo, Bossier, Webster, Bienville, Claiborne, Union, Lincoln, Jackson, Caldwell, Ouachita, Morehouse, Richland, Franklin, West Carroll, East Carroll, Madison, Tensas and Catahoula shall compose the second district, from which one judge shall be appointed.

The parishes of DeSoto, Red River, Winn, Grant, Natchitoches, Sabine, Vernon, Calcasieu, Cameron, Rapides, Avoyelles, Concordia, Pointe Coupee, West Baton Rouge, Iberville, St. Landry, Lafayette and Vermilion shall compose the third district, from which one judge shall be appointed.

And the parishes of St. Martin, Iberia, St. Mary, Terrebonne, Latourche, Assumption, St. James, Ascension, East Rouge, East Feliciana, West Feliciana, St. Helena, Livingston, Tangipahoa, St. Tammany and Washington shall compose the fourth district, from which one judge shall be appointed.

ART. 84. The Supreme Court shall hold its sessions in the city of New Orleans from the first Monday in the month of November to the end of the month of May in each and every year. The General Assembly shall have power to fix the ses-

sions elsewhere during the rest of the year. Until otherwise provided, the sessions shall be held as heretofore. They shall appoint their own clerks and remove them at pleasure.

ART. 85. No judgment shall be rendered by the Supreme Court without the concurrence of three judges. Whenever three members cannot concur, in consequence of the recusation of any member or members of the court, the judges not recused shall have authority to call upon any judge or judges of the district courts, whose duty it shall be, when so called upon, to sit in the place of the judge or judges recused, and to aid in the determination of the case.

ART. 86. All judges, by virtue of their office, shall be conservators of the the peace throughout the State. The style of all process shall be, "The State of Louisiana." All prosecutions shall be carried on "in the name and by the authority of the State of Louisiana," and conclude: "Against the peace and dignity of the same."

ART. 87. The judges of all courts, whenever practicable, shall refer to the law by virtue of which every definite judgment is rendered; but in all cases they shall adduce the reasons on which their judgment is founded.

ART. 88. There shall be a reporter of the decisions of the Supreme Court, who shall report in full all cases which he may be required to report by law or by the court. He shall publish in the reports the title, numbers and head notes of all cases decided, whether reported in full or not.

In all cases reported in full he shall make a brief statement of the principal points presented and authorities cited by counsel.

He shall be appointed by a majority of the court, and hold his office and be removable at their pleasure.

His salary shall be fixed by the court, and shall not exceed fifteen hundred dollars per annum, payable monthly on his own warrant.

ART. 89. The Supreme Court and each of the judges thereof shall have power to issue writs of *habeas corpus* at the instance of all persons in actual custody, in cases where it may have appellate jurisdiction.



ART. 90. The Supreme Court shall have control and general supervision over all inferior courts. They shall have power to issue writs of *certiorari*, prohibition, *mandamus*, *quo warranto*, and other remedial writs.

ART. 91. The General Assembly shall provide for appeals from the district courts to the Supreme Court upon questions of law alone, when the party or parties aggrieved desire only a review of the law.

ART. 92. Except as herein provided no duties or functions shall ever be attached by law to the Supreme Court, courts of appeal or district courts, or the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office or other compensation than their salaries for any official duties performed by them. No judicial powers, except as committing magistrates in criminal cases, shall be conferred on any officers other than those mentioned in this title, except such as may be necessary in towns and cities, and the judicial powers of such officers shall not extend further than the cognizance of cases arising under the police regulations of towns and cities in the State.

ART. 93. The judges of all courts shall be liable to impeachment for crimes and misdemeanors. For any reasonable cause the Governor shall remove any of them on the address of two-thirds of the members elected to each house of the General Assembly. In every case the cause or causes for which such removal may be required shall be stated at length in the address, and inserted in the journal of each house.

### ATTORNEY GENERAL.

ART. 94. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State at large every four years. He shall be learned in the law, and shall have actually resided and practiced law, as a licensed attorney in the State five years next preceding his election. He shall receive a salary of three thousand dollars per annum; payable monthly on his own warrant.

## COURTS OF APPEAL.

ART. 95. The courts of appeal, except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases, civil or probate, when the matter in dispute or the funds to be distributed shall exceed one hundred dollars, exclusive of interest, and shall not exceed two thousand dollars, exclusive of interest.

ART. 96. The courts of appeal shall be composed of two circuit judges, shall be elected by the two houses of the General Assembly in joint session. The first judges of the courts of appeal under this constitution shall be elected for the following terms: One judge for each court for the term of four years and one judge for the term of eight years.

They shall be learned in the law and shall have resided and practiced law in this State for six years, and shall have been actual residents of the circuit from which they shall be elected for at least two years next preceding their election.

ART. 97. The State, with the exception of the parish of Orleans, shall be divided into five circuits, from each of which two judges shall be elected. Until otherwise provided by law, the parishes of Caddo, Bossier, Webster, Bienville, DeSoto, Red River, Claiborne, Union, Lincoln, Natchitoches, Sabine, Jackson, Winn and Caldwell shall compose the First Circuit.

The parishes of Ouachita, Richland, Morehouse, West Carroll, Catahoula, Franklin, Madison, East Carroll, Concordia and Tensas shall compose the Second Circuit.

The parishes of Rapides, Grant, Avoyelles, St. Landry, Vernon, Calcasieu, Cameron, Lafayette, Vermilion, St. Martin and Iberia shall compose the Third Circuit.

The parishes of East Baton Rouge, West Baton Rouge, Iberville, East Feliciana, St. Helena, Tangipahoa, Livingston, St. Tammany, Washington, Pointe Coupee and West Feliciana shall compose the Fourth Circuit.

And the parishes of St. Mary, Terrebonne, Ascension, Lafourche, Assumption, Plaquemines, St. Bernard, Jefferson, St. Charles, St. John the Baptist and St. James shall compose the Fifth Circuit.

ART. 98. The judges of the courts of appeal, until otherwise provided by law, shall hold two terms annually in each parish composing their respective circuits.

ART. 99. Until otherwise provided by law, the terms of the circuit courts of appeal shall be as follows :

#### FIRST CIRCUIT.

Caddo—First Mondays in January and June.  
Bossier—Third Mondays in January and June.  
Webster—First Mondays in February and July.  
Bienville—Second Mondays in February and July.  
Claiborne—Third Mondays in February and July.  
Union—First Mondays in March and October.  
Lincoln—Second Mondays in March and October.  
Jackson—Third Mondays in March and October.  
Caldwell—Fourth Mondays in March and October.  
Winn—First Mondays in April and November.  
Natchitoches—Second Mondays in April and November.  
Sabine—Fourth Mondays in April and November.  
DeSoto—First Mondays in May and December.  
Red River—Third Mondays in May and December.

#### SECOND CIRCUIT,

Ouachita—First Mondays in January and June.  
Richland—Fourth Mondays in January and June.  
Franklin—First Mondays in February and July.  
Catahoula—Second Mondays in February and July.  
Concordia—Fourth Mondays in February and July.  
Tensas—Second Mondays in March and October.  
Madison—Fourth Mondays in March and October.  
East Carroll—Second Mondays in April and November.  
West Carroll—Fourth Mondays in April and November.  
Morehouse—First Mondays in May and December.

#### THIRD CIRCUIT.

St. Landry—First Mondays in January and June.  
Avoyelles—Fourth Mondays in January and June.  
Rapides—Second Mondays in February and July.  
Grant—Fourth Mondays in February and July.

Vernon—First Mondays in March and October.  
Calcasieu—Second Mondays in March and October.  
Cameron—Fourth Mondays in March and October.  
Vermilion—First Mondays in April and November.  
Lafayette—Second Mondays in April and November.  
Iberia—Fourth Mondays in April and November.  
St. Martin—Second Mondays in May and December.

#### FOURTH CIRCUIT.

East Baton Rouge—First Mondays in January and June.  
West Baton Rouge—Fourth Mondays in January and June.  
Livingston—First Mondays in February and July.  
Tangipahoa—Second Mondays in February and July.  
St. Tammany—Fourth Mondays in February and July.  
Washington—First Mondays in March and October.  
St. Helena—Second Mondays in March and October.  
East Feliciana—Fourth Mondays in March and October.  
West Feliciana—Second Mondays in April and November.  
Pointe Coupee—Fourth Mondays in April and November.  
Iberville—Second Mondays in May and December.

#### FIFTH CIRCUIT.

St. Mary—First Mondays in January and June.  
Terrebonne—Third Mondays in January and June.  
Assumption—First Mondays in February and July.  
Lafourche—Third Mondays in February and July.  
St. Charles—First Mondays in March and October.  
Jefferson—Second Mondays in March and October.  
St. Bernard—Fourth Mondays in March and October.  
Plaquemines—First Mondays in April and November.  
St. John the Baptist—Second Mondays in April and November.  
St. James—Third Mondays in April and November.  
Ascension—Second Mondays in May and December.  
ART. 100. Whenever the first day of the term shall fall on a legal holiday, the court shall begin its sessions on the first legal day thereafter.  
ART. 101. Whenever the judges composing the courts of

appeal shall concur, their judgment shall be final. Whenever there shall be a disagreement, the two judges shall appoint a lawyer having the qualifications for a judge of the Court of Appeals of their circuit, who shall aid in the determination of the case; a judgment concurred in by any two of them shall be final.

ART. 102. All causes on appeal to the courts of appeal shall be tried on the original record, pleadings and evidence in the district court.

ART. 103. The rules of practice regulating appeals to, and proceedings in the Supreme Court, shall apply to appeals and proceedings in the courts of appeal, so far as they may be applicable, until otherwise provided by law.

ART. 104. The judges of the courts of appeal shall have power to issue writs of *habeas corpus* at the instance of all persons in actual custody within their respective circuits. They shall also have authority to issue writs of *mandamus*, prohibition and *certiorari*, in aid of their appellate jurisdiction.

ART. 105. The judges of courts of appeal shall each receive a salary of four thousand dollars per annum, payable monthly on their respective warrants.

The General Assembly shall provide by law for the trial of recused cases in the courts of appeal.

ART. 106. The sheriff of the parish in which the sessions of the court are held, shall attend in person, or by deputy, to execute the orders of the court.

#### DISTRICT COURTS.

ART. 107. The State shall be divided into not less than twenty, nor more than thirty, judicial districts, the parish of Orleans excepted.

ART. 108. Until otherwise provided by law, there shall be twenty-six districts.

\*The parish of Caddo shall compose the first district.

The parishes of Bossier, Webster and Bienville shall compose the Second District.

The parishes of Claiborne, Union and Lincoln shall compose the Third District.

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\*The number of judges was increased to two in the First District by Act No. 71, of 1882, p. 93.



The parishes of Jackson, Winn and Caldwell shall compose the Fourth District.

\*The parishes of Ouachita and Richland shall compose the Fifth District.

†The parishes of Morehouse and West Carroll shall compose the Sixth District.

The parishes of Catahoula and Franklin shall compose the Seventh District.

The parishes of Madison and East Carroll shall compose the Eighth District.

The parishes of Concordia and Tensas shall compose the Ninth District.

The parishes of DeSoto and Red River shall compose the Tenth District.

The parishes of Natchitoches and Sabine shall compose the Eleventh District.

‡The parishes of Rapides, Grant and Avoyelles shall compose the Twelfth District.

The parish of St. Landry shall compose the Thirteenth District.

The parishes of Vernon, Calcasieu and Cameron shall compose the Fourteenth District.

The parishes of Pointe Coupee and West Feliciana shall compose the Fifteenth District.

The parishes of East Feliciana and St. Helena shall compose the Sixteenth District.

The parish of East Baton Rouge shall compose the Seventeenth District.

The parishes of Tangipahoa, Livingston, St. Tammany and Washington shall compose the Eighteenth District.

The parishes of St. Mary and Terrebonne shall compose the Nineteenth District.

The parishes of Lafourche and Assumption shall compose the Twentieth District.

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\*The parish of Richland was detached from the Fifth District by Act No. 89, of 1882, p. 111.

†The parish of West Carroll was detached from the Sixth District by Act No. 89, of 1882, p. 111.

‡The number of judges in the Twelfth District was increased to two by Act No. 22, of 1882, p. 38.

The parishes of St. Martin and Iberia shall compose the Twenty-first District.

The parishes of Ascension and St. James shall compose the Twenty-second District.

The parishes of West Baton Rouge and Iberville shall compose the Twenty-third District.

The parishes of Plaquemines and St. Bernard shall compose the Twenty-fourth District.

Ths parishes of Lafayette and Vermilion shall compose the Twenty-fifth District.

The parishes of Jefferson, St. Charles and St. John the Baptist shall compose the Twenty sixth District.

\*The parishes of West Crrroll and Richland shall compose the Twenty-seventh District.

ART. 109. District courts shall have original jurisdiction in all civil matters where the amount in dispute shall exceed fifty dollars, exclusive of interest.

They shall have unlimited original jurisdiction in all criminal, probate and succession matters, and when a succession is a party defendant.

The district judges shall be elected by a plurality of the qualified voters of their respective districts, in which they shall have been actual residents for two years next preceding their election.

They shall be learned in the law, and shall have practiced law in the State for five years previous to their election.

They shall be elected for the term of four years. All elections to fill vacancies occasioned by death, resignation or removal, shall be for the unexpired term, and the Governor shall fill the vacancy until an election can be held.

The judges of the district court shall each receive a salary of three thousand dollars per annum, payable monthly on their respective warrants.

ART. 110. The General Assembly shall have power to increase the number of district judges in any district whenever the public business may require.

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\*Act No. 87, of 1882, p. 111.

ART. 111. The district court shall have jurisdiction of appeals from justices of the peace in all matters where the amount in controversy shall exceed ten dollars, exclusive of interest.

ART. 112. The General Assembly shall provide by law for the trial of recused cases in the district courts, by the selection of licensed attorneys at law, by an interchange of judges, or otherwise.

ART. 113. Wherever in this Constitution the qualification of any justice or judge shall be the previous practice of the law for a term of years, there shall be included in such term the time such justice or judge shall have occupied the bench of any court of record in this State; *provided*, he shall have been a licensed attorney for five years before his election or appointment.

ART. 114. No judge of any court of the State shall be affected in his term of office, salary or jurisdiction as to territory or amount during the term or period for which he was elected or appointed. Any legislation so affecting any judge or court shall take effect only at the end of the term of office of the judge or judges, incumbents of the court or courts to which such legislation may apply at the time of its enactment. This article shall not affect the provisions of this constitution relative to impeachment or removal from office.

ART. 115. The district judges shall have power to issue writs of *habeas corpus* at the instance of all persons in actual custody in their respective districts.

ART. 116. The General Assembly at its first session under this constitution shall provide by general law for the selection of competent and intelligent jurors, who shall have capacity to serve as grand jurors and try and determine both civil and criminal cases, and may provide, in civil cases, that a verdict be rendered by the concurrence of a less number than the whole.

ART. 117. In those districts composed of one parish, there shall not be less than six terms of the district court each year.

In all other districts there shall be in each parish not less than four terms of the district court each year, except in the parishes of Cameron, Franklin and Vernon, in which there shall not be less than two terms of the district court each year.

Until provided by law, the terms of the district court in each parish be fixed by a rule of said court, which shall not be changed without notice by publication at least thirty days prior to such change.

There shall be in each parish not less than two jury terms each year, at which a grand jury shall be impaneled, except in the parishes of Cameron, Franklin and Vernon, in which there shall not be less than one jury term each year at which a grand jury shall be impaneled.

At other jury terms the General Assembly shall provide for special juries, when necessary for the trial of criminal cases.

### SHERIFFS AND CORONERS.

ART. 118. There shall be a sheriff and coroner elected by the qualified voters of each parish in the State, except the parish of Orleans, who shall be elected at the general elections and hold office for four years.

The coroner shall act for and in place of the sheriff whenever the sheriff shall be party interested, and whenever there shall be a vacancy in the office of sheriff, until such vacancy shall be filled; but he shall not during such vacancy discharge the duties of tax collector.

The sheriff, except in the parish of Orleans, shall be *ex-officio* collector of State and parish taxes.

He shall give separate bonds for the faithful performance of his duty in each capacity. Until otherwise provided, the bonds shall be given according to existing laws.

The General Assembly, after the adoption of this constitution, shall pass a general law regulating the amount, form, condition and mode of approval of such bonds, so as to fully secure the State and parish, and all parties in interest.

Sheriffs elected at the first election under this constitution shall comply with the provisions of such law, within thirty days after its promulgation, in default of which the office shall be declared vacant, and the Governor shall appoint for the remainder of the time.

ART. 119. Sheriffs shall receive compensation from the parish for their services in criminal matters (the keeping of

prisoners, conveying convicts to the Penitentiary, insane persons to the Insane Asylum, and service of process from another parish, and service of process or the performance of any duty beyond the limits of his own parish excepted), not to exceed five hundred dollars per annum for each Representative the parish may have in the House of Representatives.

The compensation of sheriffs as tax collectors shall not exceed five per cent on the amount collected and paid over; *provided*, that he shall not be discharged as tax collector until he makes proof that he has exhausted the legal remedies to collect the taxes.

ART. 120. The coroner in each parish shall be a doctor of medicine, regularly licensed to practice, and *ex-officio* parish physician; *provided*, this article shall not apply to any parish in which there is no regularly licensed physician who will accept the office.

#### CLERKS.

ART. 121. There shall be a clerk of the district court in each parish, the parish of Orleans excepted, who shall be *ex-officio* clerk of the court of appeals.

He shall be elected by the qualified electors of the parish every four years; and shall be *ex-officio* parish recorder of conveyances, mortgages and other acts, and notary public.

He shall receive no compensation for his services from the State, or the parish, in criminal matters.

He shall give bond and security for the faithful performance of his duties, in such amount as shall be fixed by the General Assembly.

ART. 122. The General Assembly shall have power to vest in clerks of courts authority to grant such orders, and to do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases, powers thus vested shall be specified and determined.

ART. 123. Clerks of district courts may appoint, with the approval of the district judge, deputies, with such powers as shall be prescribed by law; and the General Assembly shall have power to provide for continuing one or more of them in



office, in the event of the death of the clerk, until his successor shall have been appointed and duly qualified.

### DISTRICT ATTORNEYS.

ART. 124. There shall be a district attorney for each judicial district in the State, who shall be elected by the qualified electors of the judicial district. He shall receive a salary of one thousand dollars per annum, payable monthly on his own warrant, and shall hold his office for four years. He shall be an actual resident of the district, and a licensed attorney at law in this State.

He shall also receive fees; but no fees shall be allowed in criminal cases, except on conviction.

Any vacancy in the office of district attorney shall be filled by appointment by the Governor for the unexpired term. There shall be no parish attorney, or district attorney, *pro tempore*. (This article shall not apply to the parish of Orleans,)

### JUSTICES OF THE PEACE.

ART. 125. In each parish, the parish of Orleans excepted, there shall be as many justices of the peace as may be provided by law.

The present number of justices of the peace shall remain as now fixed until otherwise provided. They shall be elected for the term of four years by the qualified voters within the territorial limits of their jurisdiction.

They shall have exclusive original jurisdiction in all civil matters when the amount in dispute shall not exceed fifty dollars, exclusive of interest, and original jurisdiction concurrent with the district court, when the amount in dispute shall exceed fifty dollars, exclusive of interest, and shall not exceed one hundred dollars, exclusive of interest.

They shall have no jurisdiction in succession or probate matters, or when a succession is a defendant. They shall receive such fees or salary as may be fixed by law.

ART. 126. They shall have criminal jurisdiction as committing magistrates, and shall have power to bail or discharge in cases not capital or necessarily punishable at hard labor.

## CONSTABLES.

ART. 127. There shall be a constable for the court of each justice of the peace in the several parishes of the State, the parish of Orleans excepted, who shall be elected for the term of four years by the qualified voters within the territorial limits of the jurisdiction of the several justices of the peace.

The compensation, salaries, or fees of constables and the amount of their bonds, shall be fixed by the General Assembly.

## COURTS OF THE PARISH AND CITY OF NEW ORLEANS.

ART. 128. There shall be in the parish of Orleans a court of appeals for said parish, with exclusive appellate jurisdiction in all matters, civil or probate, arising in said parish, when the amount in dispute or fund to be distributed exceeds one hundred dollars, exclusive of interest, and does not exceed two thousand dollars, exclusive of interest; said court shall be presided over by two judges who shall be elected by the General Assembly in joint session; they shall be residents and voters of the city of New Orleans, possessing all the qualifications necessary for judges of circuit courts of appeals throughout the State; they shall each receive an annual salary of four thousand dollars, payable monthly upon their respective warrants.

Said appeals shall be upon questions of law alone, in all cases, involving less than five hundred dollars, exclusive of interest, and upon the law and facts in other cases.

It shall sit in the city of New Orleans, from the first Monday of November to the last Monday of June of each year.

It shall have authority to issue writs of *mandamus*, prohibition, *certiorari* and *habeas corpus* in aid of its appellate jurisdiction.

ART. 129. The provisions of this constitution, relating to the term of office, qualifications and salary of the judges of the circuit courts of appeal throughout the State, and the manner of proceeding and determining causes as applicable to such circuit courts of appeal, shall apply to this court and its judges, in so far as such provisions are not in conflict with the provisions specially relating to said court and its judges.

Said Court of Appeals shall have jurisdiction of all causes now pending on appeal from the parish of Orleans before the Supreme Court of the State where the amount in dispute or fund to be distributed is less than one thousand dollars, exclusive of interest, and the Supreme Court shall at once transfer said causes to the Court of Appeals.

ART. 130. For the parish of Orleans there shall be two district courts and no more. One of said courts shall be known as the Civil District Court for the parish of Orleans; and the other as the Criminal District Court for the parish of Orleans. The former shall consist of not less than five judges, and the latter not less than two judges having the qualifications prescribed for district judges throughout the State. The said judges shall be appointed by the Governor by and with the advice and consent of the Senate, for the term of eight years. The first appointment shall be made as follows: Three judges of the Civil District Court for four years and two judges for eight years. One judge of the Criminal District Court for four years and one for eight years, the terms to be designated in their commissions.

The said judges shall receive each four thousand dollars per annum. Said Civil District Court shall have exclusive and general probate, and exclusive civil jurisdiction in all cases when the amount in dispute or to be distributed exceeds one hundred (\$100) dollars exclusive of interest, and exclusive appellate jurisdiction from the city courts of the parish of Orleans, when the amount in dispute exceeds twenty-five dollars exclusive of interest. All causes filed in said court shall be equally allotted and assigned among said judges, in accordance with rules of court to be adopted for the purpose. In case of recusation of any judge in any cause, such cause shall be reassigned, or in case of absence from the parish, sickness or the disability of the judge to whom said cause may have been assigned, any judge of said court may issue or grant conservatory writs or orders. In other respects each judge shall have exclusive control over every cause assigned to him from its inception to its final determination in said court. The Criminal District Court shall have criminal jurisdiction only. All prosecutions instituted in said court shall be equally

apportioned between said judges by lot. Each judge, or his successor, shall have exclusive control over every cause falling to him from its inception to its final determination in said court. In case of vacancy or recusation causes assigned shall be reassigned under order of court.

ART. 131. The General Assembly may increase the number of judges of the Civil District Court, not, however, to exceed nine judges, and the number of the criminal judges not to exceed three.

ART. 132. The Court of Appeals and the Civil and Criminal District Courts for the parish of Orleans shall respectively regulate the order of preference and trial of causes pending, and adopt other rules to govern the proceedings therein, not in conflict with the provisions of law.

ART. 133. The Civil District Court for the parish of Orleans shall select a solvent incorporated bank of the city of New Orleans as a judicial depository. Therein shall be deposited all moneys, notes, bonds and securities (except such notes or documents as may be filed with suits or in evidence, which shall be kept by the clerk of court), so soon as the same shall come into the hands of any sheriff or clerk of court; such deposits shall be removable, in whole or in part, only upon order of court. The officer making such deposits shall make immediate and written return to the court of the date and particulars thereof, to be filed in the cause in which the matter is pending, under penalties to be prescribed by law.

ART. 134. There shall be a district attorney for the parish of Orleans, who shall possess the same qualifications and be elected in the same manner and for the same period of time as the district attorneys for other parishes, as provided by this constitution.

He shall receive a salary of one thousand dollars per annum and such fees as may be allowed by law; but no fee shall be allowed in criminal cases except on conviction.

He may appoint an assistant at a salary not to exceed fifteen hundred dollars per annum.

ART. 135. There shall be in the city of New Orleans four city courts, one of which shall be located in that portion of the



city on the right bank of the Mississippi river, presided over by judges having all the qualifications required for a district judge, and shall be elected by the qualified voters for the term of four years; they shall have exclusive jurisdiction over all sums not exceeding one hundred dollars, exclusive of interest, subject to an appeal to the Civil District Court when the amount claimed exceeds twenty-five dollars, exclusive of interest. The General Assembly shall regulate the salaries, territorial division of jurisdiction, the manner of executing their process, the fee bill, and proceedings which shall govern them; they shall have authority to execute commissions, to take testimony and receive therefor such fees as may be allowed by law.

The General Assembly may increase the number of city courts for the said parish, not to exceed eight in all, until otherwise provided by law. Each of said courts shall have one clerk, to be elected for the term of four years by the qualified voters of the parish, who shall receive a salary of twelve hundred dollars per annum, and no more, and whose qualifications, bond and duties shall be regulated by law.

ART. 136. The General assembly may provide for police or magistrates' courts, but such courts shall not be vested with jurisdiction beyond the enforcement of municipal ordinances or as committing magistrates.

ART. 137. There shall be one clerk for the Civil District Court and one for the Criminal District Court of the parish of Orleans. The former shall be *ex-officio* clerk of the Court of Appeals of said parish. Said clerks shall be removable in the manner provided for the removal of the sheriffs of said parish. The Clerk of said Civil District Court shall receive an annual salary of three thousand six hundred dollars, and no more; and the clerk of the Criminal Court an annual salary of three thousand dollars, and no more, both payable on their warrants. They shall be elected by the qualified voters of the parish for the term of four years.

The amount and character of the bonds and qualification of the sureties to be furnished by said clerks shall be prescribed by law.

ART. 138. The Court of Appeals and each judge of the Civil



and Criminal District Court of the parish of Orleans shall appoint a minute clerk at an annual salary of not more than eighteen hundred dollars, whose duties shall be regulated by law. Each clerk of court shall appoint, by and with the consent of the district court of which he is clerk, such deputies as may be necessary to perform officially the duties of said office, at salaries to be fixed by law. He shall be responsible for the said deputies, and may require from each such security as he may deem sufficient to secure himself, and said deputies shall be removable at his pleasure.

ART. 139. There shall be a civil and a criminal sheriff for the parish of Orleans. The civil sheriff shall be the executive officer of all the civil courts, (except city courts;) and the criminal sheriff shall be the executive officer of the Criminal District Court.

They shall attend the sittings, execute the writs and mandates of their respective courts. They shall be elected by the voters of the parish of Orleans every four years. They shall be citizens of the State, residents and voters of the city of New Orleans, at least twenty-five years of age, and shall be removable each by the district court of which he is the executive officer, upon proof after trial, without jury, of gross or continued neglect, incompetency or unlawful conduct, operating injury to the court or any individual. The two district courts for the parish of Orleans shall immediately upon organization under this constitution, in joint session, adopt rules governing the lodging of complaints against and the trial of such officers; and such rules once adopted, shall not be changed, except by the unanimous consent of all the judges composing the said courts.

ART. 140. The civil sheriff of the parish of Orleans shall receive such fees as the General Assembly may fix. He shall render monthly accounts, giving amounts and dates, number and title of causes wherein received or paid out, of all sums collected and disbursed by him, which shall be filed in the Civil District Court of said parish and form a part of its public records.

He shall be responsible to the State for all profits of said office over ten thousand dollars per annum, and shall settle with

the State at least once a year in such manner as the General Assembly may provide.

The criminal sheriff shall receive an annual salary of thirty-six hundred dollars and no more. He shall receive no other compensation. He shall charge and collect for the State from parties convicted such fees and charges as may be fixed by law and shall render monthly accounts of the same.

ART. 141. Said sheriffs shall appoint, each with the consent and approval of the district court which he serves, such a number of deputies as the said court may find necessary for the proper expedition of the public business, at such salaries as may be fixed by law. Each sheriff shall be responsible for his deputies, and may remove them at pleasure and fill vacancies with the approval of the court, and may exact from all deputies security in such manner and amount as such sheriff may deem necessary.

ART. 142. The civil sheriff for said parish shall execute a bond with sureties, residents of said parish, conditioned for the lawful and faithful performance of the duties of his office, in the sum of fifty thousand dollars. The sureties shall be examined in open court by the judges of the Civil District Court for the parish of Orleans, and the questions and answers shall be reduced to writing and form a portion of the records of said court.

A similar bond shall be executed by the criminal sheriff of said parish in the sum of ten thousand dollars, with sureties to be examined and approved as to solvency by the Criminal District Court of said parish, as herein directed for the Civil District Court of said parish in the case of the civil sheriff.

ART. 143. There shall be one constable for each city court of the parish of Orleans, who shall be the executive officer of such court. He shall be elected by the qualified voters of the parish of Orleans for the term of four years. The General Assembly shall define his qualifications and fix his compensation and duties, and shall assimilate the same so far as practicable to the provisions of this constitution relating to the civil sheriff of said parish. The judges of the city courts shall sit in bane to examine such bonds, try and remove constables and adopt rules regulating such trial and removal. They shall in such proceedings, be governed so far as practicable by the provisions of this con-

stitution regulating the proceedings of the district courts of the parish of Orleans in the case of the sheriffs of said parish.

ART. 144. There shall be a register of conveyances and a recorder of mortgages for the parish of Orleans, who shall be elected by the qualified electors of said parish every four years. The register of conveyances shall receive an annual salary of twenty-five hundred dollars and no more, and said recorder of mortgages an annual salary of four thousand dollars and no more. The General Assembly shall regulate the qualifications and duties of said officers and the number of employes they shall appoint, and fix the salaries of such employes, not to exceed eighteen hundred dollars per annum for each.

ART. 145. The General Assembly, at its first session after the adoption of this constitution, shall enact a fee bill for the clerks of the various courts, including the city courts, sitting in New Orleans, and for the civil and criminal sheriffs, constables, register of conveyances and recorder of mortgages of said parish. In the same act provision shall be made for a system of stamps or stamped paper for the collection by the State, and not by said officers, of such fees and charges, so far as clerks of courts, register of conveyances and recorder of mortgages are concerned.

ART. 146. All fees and charges fixed by law for the various civil courts of the parish of Orleans, and for the register of conveyances and recorder of mortgages of said parish shall enure to the State, and all sums realized therefrom shall be set aside and held as a special fund, out of which shall be paid by preference the expenses of the clerk of the civil district court, the clerks of the city courts, the register of conveyances and the recorder of mortgages of the parish of Orleans; *provided*, that the State shall never make any payment to any sheriff, clerk, register of conveyances or recorder of mortgages of the parish of Orleans, or any of their deputies for salary or other expenses of their respective offices, except from the special fund provided for by this article, and any appropriation made contrary to this provision shall be null and void.

ART. 147. There shall be one coroner for the parish of Orleans, who shall be elected every four years by the qualified electors of said parish, and whose duties shall be regulated by

law. He shall be *ex-officio* city physician of the city of New Orleans and receive an annual salary of five thousand dollars, and no more. He shall be a practicing physician of said city, and a graduate of the medical department of some university of respectable standing. He may appoint an assistant having the same qualifications as himself, at an annual salary not exceeding three thousand dollars. The salaries of both coroner and assistant to be paid by the parish of Orleans.

The maintenance and support of prisoners confined in the parish of Orleans, upon charges or conviction for criminal offenses, shall be under the control of the city of New Orleans.

### GENERAL PROVISIONS.

ART. 148. No person shall hold any office, State, parochial or municipal, or shall be permitted to vote at any election or act as a juror, who, in due course of law, shall have been convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment in the penitentiary, or who shall be under interdiction.

ART. 149. Members of the General Assembly and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation :

“I (A. B.) do solemnly swear (or affirm) that I will support the constitution and laws of the United States, and the constitution and laws of this State; and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as———according to the best of my ability and understanding. So help me God.”

ART. 150. The seat of government shall be and remain at the city of Baton Rouge.

The General Assembly, at its first session after the adoption of this constitution, shall make the necessary appropriation for the repair of the State House and for the transfer of the archives of the State to Baton Rouge; and the city council of Baton Rouge is hereby authorized to issue certificates of indebtedness, in such manner and form as to cover the subscription of thirty-five thousand dollars, tendered by the citizens and the city council in said city to aid in repairing the Capitol in said city;



*provided*, the city of Baton Rouge shall pay into the State treasury said amount of thirty-five thousand dollars before the contract for the repairs of the State House be finally closed.

ART. 151. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.

ART. 152. All civil officers shall be removable by an address of two thirds of the members elected to each house of the General Assembly, except those whose removal is otherwise provided for by this constitution.

ART. 153. No member of congress nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under the State.

ART. 154. The laws, public records and the judicial and legislative written proceedings of the State shall be promulgated, preserved and conducted in the English language; but the General Assembly may provide for the publication of the laws in the French language, and prescribe that judicial advertisements in certain designated cities and parishes shall also be made in that language.

ART. 155. No *ex post facto* law, nor any law impairing the obligations of contracts, shall be passed; nor vested rights be divested, unless for purposes of public utility and for adequate compensation previously made.

ART. 156. Private property shall not be taken nor damaged, for public purposes without just and adequate compensation being first paid.

ART. 157. No power of suspending the laws of this State shall be exercised, unless by the General Assembly or its authority.

ART. 158. The General Assembly shall provide by law for change of venue in civil and criminal cases.

ART. 159. No person shall hold or exercise, at the same



time, more than one office of trust or profit, except that of justice of the peace or notary public.

ART. 160. The General Assembly may determine the mode of filling vacancies in all offices for which provisions is not made in this constitution.

ART. 161. All officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office, except in case of impeachment or suspension.

ART. 162. The military shall be in subordination to the civil power, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner.

ART. 163. The General Assembly shall make it obligatory upon each parish to support all infirm, sick and disabled paupers residing within its limits; *provided*, that in every municipal corporation in a parish where the powers of the police jury do not extend, the said corporation shall support its own infirm, sick and disabled paupers.

ART. 164. No soldier, sailor or marine in military or naval service of the United States shall hereafter acquire a domicile in this State by reason of being stationed or doing duty in the same.

ART. 165. It shall be the duty of the General Assembly to pass such laws as may be proper and necessary to decide differences by arbitration.

ART. 166. The power of the courts to punish for contempt shall be limited by law.

ART. 167. The General Assembly shall have authority to grant lottery charters or privileges; *provided*, each charter or privilege shall pay not less than forty thousand dollars per annum in money into the treasury of the State; *and provided further*, that all charters shall cease and expire on the first of January, 1895, from which time all lotteries are prohibited in the State.

The forty thousand dollars per annum now provided by law to be paid by the Louisiana State Lottery Company, according to the provisions of its charter, granted in the year 1868, shall belong to the Charity Hospital of New Orleans, and the charter of said company is recognized as a contract binding on the State

for the period therein specified, except its monopoly clause, which is hereby abrogated, and all laws contrary to the provisions of this article are hereby declared null and void; *provided*, said company shall file a written renunciation of all its monopoly features, in the office of the Secretary of State, within sixty days after the ratification of this constitution.

Of the additional sums raised by license on lotteries, the hospital at Shreveport shall receive ten thousand dollars annually, and the remaining sum shall be divided each year among the several parishes in the State for the benefit of their schools.

ART. 168. In all proceedings of indictments for libel, the truth thereof may be given in evidence. The jury in all criminal cases shall be judges of the law and of the facts on the question of guilt or innocence, having been charged as to the law applicable to the case by the presiding judge.

ART. 169. No officer whose salary is fixed by the Constitution shall be allowed any fees or perquisites of office, except where otherwise provided for by this Constitution.

ART. 170. The regulation of the sale of alcoholic or spirituous liquor is declared a police regulation, and the General Assembly may enact laws regulating their sale and use.

ART. 171. No person who, at any time, may have been a collector of taxes, whether State, parish or municipal, or who may have been otherwise intrusted with public money, or any portion thereof, shall be eligible to the General Assembly, or to any office of honor, profit or trust under the State government, or any parish or municipality thereof, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been intrusted.

ART. 172. Gambling is declared to be a vice, and the General Assembly shall enact laws for its suppression.

ART. 173. Any person who shall directly or indirectly offer or give any sum or sums of money, bribe, present, reward, promise, or any other thing, to any officer, State, parochial or municipal, or to any member or officer of the General Assembly, with the intent to induce or influence such officer or member of the General Assembly to appoint any person to office, to vote or exercise any power in him vested, or to perform any duty of him

required, with partiality or favor, the person giving, or offering to give, and the officer or member of the General Assembly so receiving any money, bribe, present, reward, promise, contract, obligation or security, with the intent or for the purpose or consideration aforesaid, shall be guilty of bribery, and on being found guilty thereof by any court of competent jurisdiction, or by either House of the General Assembly of which he may be a member or officer, shall be forever disqualified from holding any office, State, parochial or municipal, and shall be forever ineligible to a seat in the General Assembly; *provided*, that this shall not be so construed as to prevent the General Assembly from enacting additional penalties.

ART. 174. Any person may be compelled to testify in any lawful proceeding against any one who may be charged with having committed the offense of bribery, and shall not be permitted to withhold his testimony upon the ground that it may criminate him or subject him to public infamy: but such testimony shall not afterwards be used against him in any judicial proceedings, except for perjury in giving such testimony.

ART. 175. The General Assembly shall, at its first session, pass laws to protect laborers on buildings, streets, roads, railroads, canals and other similar works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company or individual for whose benefit the work is done responsible for their ultimate payment.

ART. 176. No mortgage or privilege on immovable property shall affect third persons, unless recorded or registered in the parish where the property is situated, in the manner and within the time as is now or may be prescribed by law, except privileges for expenses of last illness, and privileges for taxes, State, parish or municipal; *provided*, such privileges shall lapse in three years.

ART. 177. Privileges on movable property shall exist without registration for the same, except in such cases as the General Assembly may prescribe by law, after the adoption of this constitution.

ART. 178. The General Assembly shall provide for the interest of State medicine in all its departments, for the protection of the people from unqualified practitioners of medicine; for protecting confidential communications to medical men by their patients while under professional treatment, and for the purpose of such treatment; and for the establishment and maintenance of a State Board of Health.

ART. 179. The General Assembly shall create a Bureau of Agriculture, define its objects, designate its officers and fix their salaries, at such time as the financial condition of the State may warrant them, in their judgment, in making such expenditures; *provided*, that such expenditures never exceed ten thousand dollars per annum.

#### THE NEW CANAL AND SHELL ROAD.

ART. 180. The New Basin Canal and Shell Road, and their appurtenances shall not be leased or alienated.

#### MILITIA.

ART. 181. The General Assembly shall have authority to provide by law how the militia of this State shall be organized, officered, trained, armed and equipped, and of whom it shall consist.

ART. 182. The officers and men of the militia and volunteer forces shall receive no pay, rations or emoluments when not in active service by authority of the State.

ART. 183. The General Assembly may exempt from military service those who belong to religious societies, whose tenets forbid them to bear arms; *provided*, a money equivalent for these services shall be exacted. The Governor shall have power to call the militia into active service for the preservation of law and order, or when the public service may require it; *provided*, that the police force of any city, town or parish shall not be organized or used as a part of the State militia.

#### SUFFRAGE AND ELECTIONS.

ART. 184. In all elections by the people the electors shall

vote by ballot; and in all elections by persons in a representative capacity, the vote shall be *viva voce*.

ART. 185. Every male citizen of the United States, and every male person of foreign birth who has been naturalized, or who may have legally declared his intention to become a citizen of the United States before he offers to vote, who is twenty-one years old or upwards, possessing the following qualifications, shall be an elector, and shall be entitled to vote at any election by the people, except as hereinafter provided:

1. He shall be an actual resident of the State at least one year next preceding the election at which he offers to vote.

2. He shall be an actual resident of the parish in which he offers to vote at least six months next preceding the election.

3. He shall be an actual resident of the ward or precinct in which he offers to vote at least thirty days next preceding the election.

ART. 186. The General Assembly shall provide by law for the proper enforcement of the provisions of the foregoing article; *provided*, that in the parish of Orleans there shall be a supervisor of registration, who shall be appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall be for the period of four years, and whose salary, qualifications and duties shall be prescribed by law. And the General Assembly may provide for the registration of voters in the other parishes.

ART. 187. The following persons shall not be permitted to register, vote or hold any office or appointment of honor, profit or trust in this State, to-wit:

Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, larceny, bribery, illegal voting or other crime punishable by hard labor or imprisonment in the penitentiary, idiots and insane persons.

ART. 188. No qualification of any kind for suffrage or office, nor any restraint upon the same, on account of race, color or previous condition shall be made by law.

ART. 189. Electors shall in all cases except for treason, felony and breach of the peace, be privileged from arrest during



their attendance on elections, and in going to and returning from the same.

ART. 190. The General Assembly shall by law forbid the giving or selling of intoxicating drinks, on the day of election, within one mile of precincts, at any election held within this State.

ART. 191. Until otherwise provided by law, the general State election shall be held once every four years on the Tuesday next following the third Monday in April.

Presidential electors and member of Congress shall be chosen or elected in the manner at the time prescribed by law.

ART. 192. Parochial and the municipal elections in the cities of New Orleans and Shreveport shall be held on the same day as the general State election and not oftener than once in four years.

ART. 193. For the purpose of voting, no person shall be deemed to have gained a residence, by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States; nor while engaged in the navigation of the waters of the State or the United States, or of the high seas, nor while a student of any institution of learning.

ART. 194. The General Assembly shall provide by law for the trial and determination of contested elections of all public officers, whether State, judicial, parochial or municipal.

ART. 195. No person shall be eligible to any office, State, judicial, parochial, municipal or ward; who is not a citizen of this State and a duly qualified elector of the State, judicial district, parish, municipality or ward, wherein the functions of said office are to be exercised. And, whenever any officer, State, judicial, parochial, municipal or ward, may change his residence from this State, or from the district, parish, municipality or ward in which he holds such office, the same shall thereby be vacated, any declarations of retention of domicile to the contrary notwithstanding.

#### IMPEACHMENT AND REMOVALS FROM OFFICE.

ART. 196. The Governor, Lieutenant Governor, Secretary

of State, Auditor, Treasurer, Attorney General, Superintendent of Public Education and the judges of all the courts of record in this State shall be liable to impeachment for high crimes and misdemeanor, for nonfeasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct or habitual drunkenness.

ART. 197. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor of the State is on trial, the Chief Justice or the Senior Associate Justice of the Supreme Court shall preside.

Judgment in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under the State, but the party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial and punishment according to law.

ART 198. All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the functions of their office during the pendency of such impeachment and, except in case of the impeachment of the Governor, the appointing power shall make a provisional appointment to replace any suspended officer until the decision of the impeachment.

ART. 199. For any reasonable cause, the Governor shall remove any officer on the address of two thirds of the members elected to each house of the General Assembly. In every such case, the cause or causes for which such removal may be required shall be stated at length in the address and inserted in the journal of each house.

ART. 200. For any of the causes specified in article 196, judges of the courts of appeal, of the district courts throughout the State, and of the city courts of the parish of Orleans may be removed from office by judgment of the Supreme Court of this State in a suit instituted by the Attorney General or a district attorney in the name of the State, on his relation. The Supreme Court is hereby vested with original jurisdiction to try such

causes; and it is hereby made the duty of the Attorney General or of any district attorney to institute such suit on the written request and information of fifty citizens and taxpayers residing within the territorial limits of the district or circuit over which the judge against whom the suit is brought exercises the functions of his office. Such suits shall be tried, after citation and ten days' delay for answering, in preference to all other suits, and wherever the court may be sitting; but the pendency of such suit shall not operate a suspension from office. In all cases where the officer sued; as above directed, shall be acquitted, judgment shall be rendered jointly and *in solido* against the citizens signing the request, for all costs of the suit.

ART. 201. For any of the causes enumerated in article 196, district attorneys, clerks of courts, sheriffs, coroners, recorders, justices of the peace and all other parish, municipal and ward officers shall be removed by judgment of the district court of the domicile of such officer (in the parish of Orleans the Civil District Court;) and it shall be the duty of the district attorney, except when the suit is to be brought against himself, to institute suit in the manner directed in article 200, on the written request and information of twenty-five resident citizens and taxpayers in the case of district, parish or municipal officers, and of ten resident citizens and taxpayers in the case of ward officers. Such suit shall be brought against a district attorney by the district attorney of an adjoining district, or by counsel appointed by the judge for that purpose. In all such cases the defendant, the State and the citizens and taxpayers on whose information and at whose request such suit was brought, or any one of them, shall have the right to appeal, both on the law and the facts, from the judgment of the court. In all cases where the officer sued, as above directed, shall be acquitted, judgment shall be rendered jointly and *in solido* against the citizens signing the request, for all costs of the suit.

In cases against district attorneys, clerks, sheriffs and recorders the appeal shall be to the Supreme Court, and in cases against all other officers the appeal shall be to the court of appeals of the proper circuit.

Such appeals shall be returnable within ten days to the ap-

pellate court, wherever it may be sitting or wherever it may hold its next session, and may be transferred by order of the judges of said court to another parish within their circuit; and such appeals shall be tried by preference over all others. In case of the refusal or neglect of the district attorney or Attorney General to institute and prosecute any suit provided for in this and the preceding article, the citizens and taxpayers making the request, or any one of them, shall have the right by mandamus to compel him to perform such duty.

### REVENUE AND TAXATION.

ART. 202. The taxing power may be exercised by the General Assembly for State purposes, and by parishes and municipal corporations, under authority granted to them by the General Assembly, for parish and municipal purposes.

ART. 203. Taxation shall be equal and uniform throughout the territorial limits of the authority levying the tax, and all property shall be taxed in proportion to its value, to be ascertained as directed by law; *provided*, the assessment of all property shall never exceed the actual cash value thereof; *and provided further*, that the taxpayers shall have the right of testing the correctness of their assessments before the courts of justice. In order to arrive at this equality and uniformity the General Assembly shall, at its first session after the adoption of this constitution, provide a system of equality and uniformity in assessments, based upon the relative value of property in the different portions of the State. The valuation put upon property for the purposes of State taxation shall be taken as the proper valuation for purposes of local taxation in every sub-division of the State.

ART. 204. The taxing power shall be exercised only to carry on and maintain the government of the State and the public institutions thereof, to educate the children of the State, to pay the principal and interest of the public debt, to suppress insurrection, repeal invasion or defend the State in time of war, to supply the citizens of the State who lost a limb or limbs in the military service of the Confederate States with substantial



artificial limbs during life, and for levee purposes, as herein-after provided.

ART. 205. The power to tax corporations and corporate property shall never be surrendered nor suspended by act of the General Assembly.

ART. 206. The General Assembly may levy a license tax, and in such case shall graduate the amount of such tax to be collected from the persons pursuing the several trades, professions, vocations and callings. All persons, association of persons and corporations pursuing any trade, profession, business or calling may be rendered liable to such tax, except clerks, laborers, clergymen, school teachers, those engaged in mechanical, agricultural, horticultural and mining pursuits, and manufacturers other than those of distilled alcoholic or malt liquors, tobacco and cigars, and cotton seed oil. No political corporation shall impose a greater license tax than is imposed by the General Assembly for State purposes.

ART. 207. The following property shall be exempt from taxation, and no other, viz : All public property, places of religious worship or burial, all charitable institutions, all buildings and property used exclusively for colleges or other school purposes, the real and personal estate of any public library and that of any other literary association, used by or connected with such library; all books and philosophical apparatus, and all paintings and statuary of any company or association kept in a public hall ; *provided*, the property so exempted be not used or leased for purposes of private or corporate profit or income. There shall also be exempt from taxation household property to the value of five hundred dollars; there shall also be exempt from taxation and license for a period of twenty years from the adoption of the constitution of 1879, the capital, machinery and other property employed in the manufacture of textile fabrics, leather, shoes, harness, saddlery, hats, flour, machinery, agricultural implements, manufacturer of ice, fertilizers and chemicals, and furniture and other articles of wood, marble or stone, soap, stationery, ink and paper, boat-building and chocolate ; *provided*, that not less than five hands are employed in any one factory.



ART. 208. The General Assembly shall levy an annual poll tax, for the maintenance of public schools, upon every male inhabitant in the State over the age of twenty-one years, which shall never be less than one dollar nor exceed one dollar and a half per capita, and the General Assembly shall pass laws to enforce payment of said tax.

ART. 209. The State tax on property for all purposes whatever, including expenses of government, schools, levees and interest, shall not exceed in any one year six mills on the dollar of its assessed valuation, if the ordinance regarding the bonded debt of the State is adopted and ratified by the people; and if said ordinance is not adopted and ratified by the people, said State tax for all purposes aforesaid shall not exceed, in any one year, five mills on the dollar of the assessed valuation of the property; and no parish or municipal tax for all purposes whatsoever shall exceed ten mills on the dollar of valuation; *provided*, that for the purpose of erecting and constructing public buildings, bridges and works of public improvement in parishes and municipalities, the rates of taxation herein limited may be increased when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the property taxpayers of such parish or municipality entitled to a vote under the election laws of the State, and a majority of same voting at such election shall have voted therefor.

ART. 210. There shall be no forfeiture of property for the non-payment of taxes, State, levee district, parochial or municipal, but at the expiration of the year in which they are due the collector shall, without suit, and after giving notice to the delinquent in the manner to be provided by law (which shall not be by publication except in case of unknown owner) advertise for sale the property on which the taxes are due in the manner provided for judicial sales, and on the day of sale he shall sell such portion of the property as the debtor shall point out, and in case the debtor shall not point out sufficient property, the collector shall at once and without further delay sell the least quantity of property which any bidder will buy for the amount of the taxes, interest and costs. The sale shall be without appraisalment, and the property sold shall be redeemable at any

time for the space of one year, by paying the price given, with twenty per cent and costs added. No sale of property for taxes shall be annulled for any informality in the proceedings until the price paid, with ten per cent interest be tendered to the purchaser. All deeds of sale made, or that may be made, by collectors of taxes, shall be received by courts in evidence as *prima facie* valid sales.

ART. 211. The tax shall be designated by the year in which it is collectable, and the tax on movable property shall be collected in the year in which the assessment is made.

ART. 212. The Legislature shall pass no law postponing the payment of taxes, except in case of overflow, general conflagration, general destruction of the crops, or other public calamity.

ART. 213. A levee system shall be maintained in the State' and a tax not to exceed one mill may be levied annually on all property subject to taxation, and shall be applied exclusively to the maintenance and repairs of levees.

ART. 214. The General Assembly may divide the State into levee districts and provide for the appointment or election of levee commissioners in said districts, who shall in the method and manner to be provided by law, have supervision of the erection, repair and maintenance of the levees in said districts; to that effect the Levee Commissioners may levy a tax not to exceed ten mills on the taxable property situated within alluvial portions of said district subject to overflow; *provided*, that in case of necessity to raise additional funds for the purpose of constructing, preserving or repairing any levees protecting the lands of a district, the rate of taxation herein limited, may be increased when the rate of such increase and the necessity and purpose for which it is intended shall have been submitted to a vote of the property taxpayers of such district, paying taxes for himself, or in any representative capacity, whether resident or non-resident, on property situated within the alluvial portion of said district subject to overflow, and a majority of those in number and value, voting at such election, shall have voted herefor.

ART. 215. The provisions of the above two articles shall cease to have effect whenever the Federal government shall assume permanent control and provide ways and means for the maintenance of levees in this State. The Federal government is authorized to make such geological, topographical, hydrographical and hydrometrical surveys and investigations within the State as may be necessary to carry into effect the act of Congress, to provide for the appointment of a Mississippi River Commission for the improvement of said river, from the head of the Passes near its mouth to the headwaters, and to construct and protect such public works and improvements as may be ordered by Congress, under under the provisions or said act

ART. 216. The General Assembly shall have power, with the concurrence of an adjacent State or States, to create levee districts composed of territory partly in this State and partly in such adjacent State or States, and the levee commissioners for such district or districts shall possess all the powers provided by article 214 of this constitution.

ART. 217. Corporations, companies or associations organized or domiciled out of this State, but doing business herein, may be licensed by a mode different from that provided for home corporations or companies; *provided*, said different mode of license shall be uniform, upon a graduated system, as to all such corporations, companies or associations that transact the same kind of business.

ART. 218. All the articles and provisions of this constitution regulating and relating to the collection of State taxes and tax sales shall also apply to and regulate the collection of parish, district and municipal taxes.

#### HOMESTEADS AND OTHER EXEMPTIONS.

ART. 219. There shall be exempt from seizure and sale by any process whatever, except as herein provided, the "homesteads" *bona fide* owned by the debtor and occupied by him consisting of lands, buildings and appurtenances, whether rural or urbane; of every head of a family, or person having a mother or father, a person or persons dependent on him or her for support; also one work horse, one wagon or cart, one yoke of oxen, two

cows and calves, twenty-five head of hogs, or one thousand pounds of bacon or its equivalent in pork, whether these exempted objects be attached to a homestead or not, and on a farm the necessary quantity of corn and fodder for the current year, and the necessary farming implements to the value of two thousand dollars; *provided*, that in case the homestead exceeds two thousand dollars in value, the beneficiary shall be entitled to that amount in case a sale of the homestead under any legal process realizes more than that sum.

No husband shall have the benefit of a homestead whose wife owns and is in the actual enjoyment of property or means to the amount of two thousand dollars.

Such exemptions to be valid, shall be set apart and registered as shall be provided by law. The benefit of this provision may be claimed by the surviving spouse, or minor child or children of a deceased beneficiary, if in indigent circumstances.

ART. 220. Laws shall be passed as early as practicable, for the setting apart, valuation and registration of property claimed as a homestead. Rights to homesteads, or exemptions under laws or contracts, or for debts existing at the time of the adoption of this Constitution, shall not be impaired, repealed or affected by any provision of this Constitution, or any laws passed in pursuance thereof. No court or ministerial officer of this State shall ever have jurisdiction or authority to enforce any judgment, execution or decree against the property set apart for a homestead, including such improvements as may be made thereon from time to time; *provided*, the property herein declared to be exempt shall not exceed in value two thousand dollars. This exemption shall not apply to the following cases, to-wit:

1. For the purchase price of said property, or any part thereof.
2. For labor and material furnished for building, repairing or improving homesteads.
3. For liabilities incurred by any public officer or fiduciary, or any attorney at law, for money collected or received on deposit.
4. For lawful claims for taxes or assessments.

ART. 221. The owner of a homestead shall at any time have



the right to supplement his exemption by adding to an amount already set apart, which is less than the whole amount of exemption herein allowed, sufficient to make his homestead and exemption equal to the whole amount allowed by this Constitution.

ART. 222. The homestead shall not be susceptible of mortgage, except for the purchase price, labor and material furnished for the building, repairing or improving homestead, nor shall any renunciation or waiver of homestead rights or exemptions be valid. The right to sell any property which shall be recorded as a homestead shall be preserved, but no sale shall destroy or impair any rights of creditors therein.

ART. 223. Equitable laws shall be passed for the protection of creditors against the fraudulent claims of debtors; for the punishment of fraud, and for reaching property and funds of the debtor concealed from the creditor.

### PUBLIC EDUCATION.

ART. 224. There shall be free public schools established by the General Assembly throughout the State for the education of all the children of the State between the ages of six and eighteen years; and the General Assembly shall provide for their establishment, maintenance and support by taxation or otherwise. And all moneys so raised, except the poll tax, shall be distributed to each parish in proportion to the number of children between the ages of six and eighteen years.

ART. 225. There shall be elected, by the qualified electors of the State, a Superintendent of Public Education, who shall hold his office for the term of four years, and until his successor is qualified. His duties shall be prescribed by law, and he shall receive an annual salary of two thousand dollars. The aggregate annual expenses of his office, including his salary, shall not exceed the sum of three thousand dollars. The General Assembly shall provide for the appointment of parish boards of public education for the different parishes.

The parish boards may appoint a parish superintendent of public schools in their respective parishes, who shall be *ex-officio* secretary of the parish board, and whose salary for his double



functions shall not exceed two hundred dollars annually, (except that in the parish of Orleans the salary of the parish superintendent shall be fixed by the General Assembly,) to be paid out of the public fund accruing to each parish respectively.

ART. 226. The general exercises in the public schools shall be conducted in the English language and the elementary branches taught therein; *provided*, that these elementary branches may be also taught in the French language in those parishes in the State or localities in said parishes where the French language predominates, if no additional expenses is incurred thereby.

ART. 227. The funds derived from the collection of the poll tax shall be applied exclusively to the maintenance of the public schools as organized under this Constitution, and shall be applied exclusively to the support of the public schools in the parish in which the same shall be collected, and shall be accounted for and paid by the collecting officers directly to the competent school authorities of each parish.

ART. 228. No funds raised for the support of the public schools of the State shall be appropriated to or used for the support of any sectarian schools.

ART. 229. The school funds of this State shall consist of:

1. The proceeds of taxation for school purposes, as provided in this Constitution.

2. The interest on the proceeds of all public lands heretofore granted by the United States for the use and support of the public schools.

3. Of lands and other property which may hereafter be bequeathed, granted or donated to the State, or generally, for school purposes.

4. All funds or property, other than unimproved lands, bequeathed or granted to the State, not designated for other purposes.

5. The proceeds of vacant estates falling under the law to the State of Louisiana.

The Legislature may appropriate to the same fund the proceeds, in whole or in part, of public lands not designated for any other purpose, and shall provide that every parish may levy a

tax for the public schools therein, which shall not exceed the State tax; *provided*, that with such tax the whole amount of parish taxes shall not exceed the limits of parish taxation fixed by this Constitution.

### STATE UNIVERSITY.

ART. 230. The University of Louisiana, as at present established and located at New Orleans, is hereby recognized in its three departments, to wit: the law, the medical and the academical departments, to be governed and controlled by appropriate faculties.

The General Assembly shall, from time to time, make such provision for the proper government, maintenance and support of said State University of Louisiana, and all the departments thereof, as the public necessities and well being of the people of the State of Louisiana may require, not to exceed ten thousand dollars annually.

The Louisiana State University and Agricultural and Mechanical College, now established and located in the city of Baton Rouge, is hereby recognized, and all revenues derived and to be derived from the sales of land, or land scrip, donated by the United States to the State of Louisiana for the use of a seminary of learning, and mechanical and agricultural college, shall be appropriated exclusively to the maintenance and support of said University and Agricultural and Mechanical College, and the General Assembly shall from time to time make such additional appropriations for the maintenance and support of said Louisiana State University and Agricultural and Mechanical College as the public necessities and the well being of the people of the State of Louisiana may require, not to exceed ten thousand dollars annually.

ART. 231. The General Assembly shall also establish in the city of New Orleans a university for the education of persons of color; provide for its proper government, and shall make an annual appropriation of not less than five thousand dollars nor more than ten thousand dollars for its maintenance and support.

ART. 232. Women over twenty-one years of age shall

be eligible to any office of control or management under the school laws of this State.

#### FREE SCHOOL FUND, SEMINARY FUND, AND AGRICULTURAL AND MECHANICAL COLLEGE FUND.

ART. 233. The debt due by the State to the Free School Fund is hereby declared to be the sum of one million, one hundred and thirty thousand eight hundred and sixty-seven dollars and fifty-one cents in principal, and shall be placed on the books of the Auditor and Treasurer to the credit of the several townships entitled to the same; the said principal being the proceeds of the sales of lands heretofore granted by the United States for the use and support of free public schools, which amount shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of four per cent from the first day of January, 1880; and that said interest shall be paid to the several townships in the State entitled to the same, in accordance with the act of Congress, No. 68, approved February 15, 1843, and the bonds of the State heretofore issued belonging to said fund, and sold under act of the General Assembly, No. 81, of 1872, are hereby declared null and void, and the General Assembly shall make no provision for their payment, and may cause them to be destroyed.

The debt due by the State to the Seminary Fund is hereby declared to be one hundred and thirty-six thousand dollars, being the proceeds of the sale of lands heretofore granted by the United States to this State for the use of a Seminary of learning, and said amount shall be placed to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of four per cent on said amount from January 1, 1880, for the use of said seminary of learning; and the consolidated bonds of the State now held for use of said fund shall be null and void after the first day of January, 1880, and the General Assembly shall never make any provision for their payment, and they shall be destroyed in such manner as the General Assembly may direct.

The debt due by the State to the Agricultural and Mechanical College Fund is hereby declared to be the sum of one hun-

dred and eighty-two thousand three hundred and thirteen dollars and three cents, being the proceeds of the sales of lands and land scrip heretofore granted by the United States to this State for the use of a college for the benefit of agriculture and the mechanic arts; said amounts shall be placed to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of five per cent on said amount from January 1, 1880, for the use of said Agricultural and Mechanical College. The consolidated bonds of the State now held by the State for the use of said fund shall be null and void after the first day of January, 1880, and the General Assembly shall never make any provision for their payment, and they shall be destroyed in such manner as the General Assembly may direct.

The interest provided for by this article shall be paid out of any tax that may be levied and collected for the general purposes of public education.

#### CORPORATION AND CORPORATE RIGHTS.

ART. 234. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, nor renew, alter or amend the same, nor pass any general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

ART. 235. The exercise of the police power of the State shall never be abridged nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

ART. 236. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the State upon whom process may be served.

ART. 237. No corporation shall engage in any business other than that expressly authorized in its charter or incidental thereto, nor shall it take or hold any real estate for a longer



period than ten years, except such as may be necessary and proper for its legitimate business or purposes.

ART. 238. No corporation shall issue stock nor bonds, except for labor done or money or property actually received, and all fictitious issues of stock shall be void, and any corporation issuing such fictitious stock shall forfeit its charter.

ART. 239. The stock shall not be increased, except in pursuance of general laws, nor without consent of persons holding the larger amount in value of the stock, first obtained at a meeting of stockholders to be held after thirty days' notice given in pursuance of law.

ART. 240. The term corporation, as used in this Constitution, shall be construed to include all joint stock companies or associations having any power or privileges not possessed by individuals or partnerships.

ART. 241. It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer or owner of any private or public bank or banking institution to assent to the reception of deposits, or the creation of debts by such banking institution, after he shall have had knowledge of the fact that it is insolvent or in failing circumstances; any such officer, agent or manager shall be individually responsible for such deposits so received and all such debts so created with his assent.

ART. 242. The General Assembly shall have power to enact general laws authorizing the parochial or municipal authorities of the State, under certain circumstances, by a vote of the majority of the property taxpayers in numbers and in value, to levy special taxes in aid of public improvements or railway enterprises; *provided*, that such tax shall not exceed the rate of five mills per annum nor extend for a longer period than ten years.

ART. 243. Any railroad corporation or association organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad, and shall receive and transport



each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

ART. 244. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers.

ART. 245. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, the names of owners of stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfers of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers.

ART. 246. If any railroad company, organized under the laws of this State, shall consolidate, by sale or otherwise, with any railroad company organized under the laws of any other State or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction in all matters which may arise, as if said consolidation had not taken place. In no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.

ART. 247. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and the individual stockholder.

ART. 248. The police juries of the several parishes and the constituted authorities of all incorporated municipalities of the State shall alone have the power of regulating the slaughtering of cattle and other live stock within their respective limits; *provided*, no monopoly or exclusive privilege shall exist in this State, nor such business be restricted to the land or houses of any individual or corporation; *provided*, the ordinances designating the places for slaughtering shall obtain the concurrent approval of the board of health or other sanitary organization.

### PAROCHIAL AFFAIRS AND BOUNDARIES.

ART. 249. The General Assembly may establish and organize new parishes, which shall be bodies corporate, with such powers as may be prescribed by law; but no new parish shall contain less than six hundred and twenty-five square miles, nor less than seven thousand inhabitants; nor shall any parish be reduced below that area or number of inhabitants.

ART. 250. All laws changing parish lines or removing parish seats shall, before taking effect, be submitted to the electors of the parish or the parishes to be effected thereby, at a special election held for that purpose, and be adopted by a majority of votes of each parish cast at such election.

ART. 251. Any parish may be dissolved and merged by the General Assembly into a contiguous parish or parishes, two-thirds of the qualified electors of the parish proposed to be dissolved voting in favor thereof, at an election held for that purpose; *provided*, that each of the parishes into which the dissolved parish proposes to become incorporated consents thereto by a majority of its qualified electors voting therefor.

ART. 252. Whenever a parish shall be enlarged or created from territory contiguous thereto, it shall be entitled to a just proportion of the property and assets, and liable for a just proportion of the existing debts or liabilities of the parish or parishes from which such territory shall be taken.

### THE CITY OF NEW ORLEANS.

ART. 253. The citizens of the city of New Orleans or any political corporation which may be created within its limits shall have the right of appointing the several public officers necessary for the administration of the police of said city, pursuant to the mode of election which shall be provided by the General Assembly.

ART. 254. The General Assembly, at its next session after the adoption of this Constitution, shall enact such legislation as may be proper to liquidate the indebtedness of the city of New Orleans, and apply its assets to the satisfaction thereof. It shall have authority to cancel the charter of said city; and remit its inhabitants to another form of government if necessary. In

any such new form of government no salary shall exceed three thousand five hundred dollars.

ART. 255. The General Assembly shall pass necessary laws to prevent sailors or others of the crew of foreign vessels from working on the wharfs and levees of the city of New Orleans ; *provided*, there is no treaty between the United States and foreign powers to the contrary.

#### AMENDMENT AND REVISION OF THE CONSTITUTION.

ART. 256. Propositions for the amendment of this Constitution may be made by the General Assembly at any session thereof, and if two thirds of all the members elected to each house shall concur therein, after such proposed amendments have been read in such respective houses on three separate days, such proposed amendment or amendments, together with the yeas and nays thereon, shall be entered on the journal, and the Secretary of State shall cause the same to be published in two newspapers published in the parish of Orleans and in one paper in each other parish of the State in which a newspaper is published, for three months preceding the next election for Representatives, at which time the said amendment or amendments shall be submitted to the electors for their approval or rejection; and if a majority voting on said amendment or amendments shall approve and ratify the same, then such amendment or amendments so approved and ratified shall become a part of the Constitution.

When more than one amendment shall be submitted at the same time they shall be so submitted as to enable the electors to vote on each amendment separately. The result of said election shall be made known by the proclamation of the Governor.

#### SCHEDULE.

ART. 257. The Constitution of this State, adopted in 1868, and all amendments thereto, is declared to be superseded by this Constitution, and in order to carry the same into effect, it is hereby declared and ordained as follows :

ART. 258. All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all

aws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue as if the said Constitution had not been adopted. But the monopoly features in the charter of any corporation now existing in the State, save such as may be contained in the charters of railroad companies, are hereby abolished.

ART. 259. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superceded thereby, but the laws of the State relative to the duties of the several officers—executive, judicial and military—shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State, according to the existing laws, until the organization of the government under this Constitution and the entering into office of the new officers to be appointed or elected under said government, and no longer.

ART. 260. Appointments to office by the Executive under this Constitution shall be made by the Governor to be elected under its authority.

ART. 261. All causes in which appeals have been or may be hereafter taken, or now pending in the Supreme Court under the Constitution of 1868, and of which jurisdiction has been vested by this Constitution in the courts of appeal, shall, after the adoption of this Constitution, be transferred for trial to the court of appeal of the circuit from which the appeal has been or may be taken.

All other causes that may be pending in the Supreme Court, under the Constitution of 1868, shall be transferred to the Supreme Court created by this Constitution, as soon as it shall be organized.

All causes that may be pending in all other courts, under the Constitution of 1868, upon the adoption of this Constitution and the reorganization of the courts created by this Constitution, shall be transferred to the courts respectively having jurisdiction thereof under this Constitution.

ART. 262. Immediately after the adjournment of this Convention, the Governor shall issue his proclamation, directing the



several officers of the State authorized by law to hold elections for members of the General Assembly, to open and hold a poll in every parish in the State, at the places designated by law, upon the first Tuesday in the month of December next, 1879, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this Constitution; and it shall be the duty of said officers to receive the votes of all persons entitled to vote under the Constitution of 1868.

Each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed, "For the Constitution," or "Against the Constitution," or some such words as will distinctively convey the intention of the voter.

It shall also be the duty of the Governor in his said proclamation, to direct the said officers authorized by law to hold elections, to open and hold a poll at the above stated time and places, for the election of Governor, Lieutenant Governor, members of the General Assembly, Secretary of State, Attorney General, State Auditor, and Superintendent of Public Education, and of all other officers whose election by the people is provided for in this Constitution; and the names of the persons voted for shall be written or printed on the same ticket, and deposited in the same box as the votes "for" or "against" the Constitution.

And the said election for the adoption or rejection of the Constitution, and for the said officers, shall be conducted and the returns thereof made in conformity with existing laws upon the subject of State elections.

Upon the receipt of the said returns, or on the last Monday in December, 1879, if the returns be not sooner received, it shall be the duty of the Governor, the Lieutenant Governor, the Secretary of State, and the Attorney General, in the presence of all such persons as may choose to attend, to compile the votes given at the said polls for ratification and rejection of this Constitution; and it shall appear from said returns that a majority of the votes given on the question of adoption and rejection of the Constitution is for ratifying this Constitution, then it shall be the duty of the Governor to make immediate proclamation of



that fact, and henceforth this Constitution shall be ordained and established as the Constitution of the State of Louisiana, and the General Assembly elected in 1878 shall thereupon be dissolved. Whether this Constitution be adopted or rejected, it shall be the duty of the Governor to cause to be published in the official paper of the Convention the result of the polls, showing the number of votes cast in each parish for or against the said Constitution.

If the Constitution be ratified, it shall be the duty of the Secretary of State to examine and compile the returns, and publish the result of the election of officers herein ordained, and in the manner provided by existing laws.

ART. 263. The General Assembly first elected under this Constitution shall convene in the city of New Orleans upon the second Monday in January next, 1880, after the election, and the Governor and Lieutenant Governor elected shall be duly installed in office during the first week of the session, and before it shall be competent for the said General Assembly to proceed with the transaction of business beyond their own organization.

ART. 264. The State Auditor, Attorney General, Secretary of State, and Superintendent of Public Education, elected at the first election herein provided for, shall enter upon the discharge of the duties of their respective offices on the second Monday of January, 1880, after complying with the requisites of existing laws; and all other officers whose election or appointment is provided for by this Constitution shall enter upon the discharge of the duties of their respective offices on the first Monday of April, eighteen hundred and eighty, after complying with the requirements of existing laws; until which period, all officers under the Constitution of eighteen hundred and sixty-eight shall receive the pay and emoluments provided for under such Constitution; *provided*, that the pay of the officers elected or appointed under this Constitution shall not commence until after their induction into office. The State Treasurer elected in November, 1878, shall continue in office as if elected at the election to be held on the first Tuesday in December, 1879; but the salary of said officer shall be as established by this Constitution, from and after the second Monday in January, 1880.

ART. 265. The time of service of all officers chosen by the people at the first election under this Constitution shall terminate as though the election had been holden on the first Tuesday after the first Monday in April, 1880.

ART. 266. The judges of the courts of appeal, district judges, city judges, district attorney, coroner, clerks of courts, sheriffs, recorder of mortgages and register of conveyances, all of whose election and appointment are provided for by this Constitution, in the parish of Orleans, shall only enter on the discharge of the duties of their respective offices on the first Monday of August, 1880, and the present incumbents shall continue until then in the performance of the duties of their respective offices and the enjoyment of the emoluments thereof, as now prescribed by law.

ART. 267. The General Assembly is required to make provision for paying J. H. Cosgrove, Printer of the Convention, for the balance due him for work done previous to adjournment, and for all work that may be done by him after the adjournment of the Convention, by its direction, and shall make a special appropriation to liquidate the debt which this Convention has contracted, authorizing the Fiscal Agent of the State to negotiate a loan of twenty-five thousand dollars; and also for the payment of such vouchers as may be issued by the chairman of the Committee on Contingent Expenses, under the authority of this Convention in excess of the foregoing appropriation, for the purpose of enabling this Convention to complete its work; *provided*, said vouchers are approved by the President of the Convention.

ART. 268. There shall not be any municipal election in the cities of New Orleans and Shreveport, in December, 1879. The General Assembly shall provide for a municipal election in the city of New Orleans, or such municipal corporations as may be created within the territorial limits of the parish of Orleans during the year 1880. The General Assembly may fix the time for a municipal election in the city of Shreveport, before April, 1884.

ART. 269. The terms of Act No. 43, of the regular session of 1884, adopted at the session of the Legislature in the year 1884,

are hereby ratified and approved; and all provisions of the Constitution of 1879 repugnant thereto or in any way impairing the passage thereof, are hereby repealed, so far as the operations of said act are concerned.

ART. 270. The General Assembly may divide the State into levee districts and provide for the appointment of election of Levee Commissioners in said districts, who shall in the method or manner to be provided by law, have supervision of the erection, repair and maintenance of the levees in said districts; to that effect the Levee Commissioners may levy a tax not to exceed ten mills on the taxable property, situated within the alluvial portions of said district subject to overflow; *provided*, that, in case of necessity, to raise additional funds for the purpose of constructing, preserving and repairing any levees protecting the lands of the district, the rate of taxation, herein limited, may be increased when the rate of such increase and the necessity and purpose for which it is intended shall have been submitted to a vote of the property taxpayers in such district, paying taxes for himself, or in any representative capacity, whether resident or non-resident, on property situated in the alluvial portion of said district subject to overflow, and a majority of those in number and value, voting at such election, shall have voted therefor.

LOUIS A. WILTZ,

President and Delegate from the Ninth Representative District  
of the Parish of Orleans.

WM. H. HARRIS, Secretary.

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## MISCELLANEOUS ORDINANCES.

### RELIEF OF DELINQUENT TAXPAYERS.

ART. 1. *Be it ordained by the people of the State of Louisiana, in Convention assembled*, All interests, penalties, costs and charges whatever, on taxes and licenses due the State, or any political corporation therein, prior to the first day of January, 1879, and yet unpaid, are remitted; and all property forfeited to the State or any political corporation on account of non-payment of taxes and licenses, or to which the State or any

political corporation now has a title, shall be redeemable, and the title to the State or any political corporation thereto annulled upon the payment by the debtor, or any interested party, of the principal of all taxes and licenses that may be due thereon at the date of redemption, and this right of redemption shall continue until the 1st day of January, 1881. In the event the principal of said taxes and licenses is not paid by said time, the interest, penalties, costs, fees and charges hereinbefore remitted shall revive and attach to the property upon which the taxes and licenses are due, and such property shall be then sold in the manner to be provided by law, and the title of the purchaser shall be full and complete; *provided*, that nothing herein contained shall be construed as affecting the rights of third persons who may have purchased property, legally assessed and sold at tax sales, or from the State or any political corporation, after the same was legally forfeited to or purchased by the State, or such corporation; *and provided further*, that nothing in this ordinance shall be taken as granting any time for the payment of the principal of said taxes and licenses; *and provided further*, that interest shall accrue and be collected on the principal of said delinquent taxes and licenses at the rate of eight per cent per annum from January 1, 1880; and on all said taxes and licenses paid a discount of ten per cent per annum shall be allowed from the date of payment to January 1, 1881.

That all taxes and licenses due the State prior to January 1, 1879, may be paid as follows:

1. That portion of said taxes and licenses due the General Fund and all other funds, except as hereinafter provided, in any valid Auditor's warrants outstanding at the date of the adoption of this Constitution, except all warrants issued prior to the first of January, 1874, and also all warrants issued from the first of January, 1874, to the first of January, 1875, for other purposes than for salaries of constitutional officers, or for the support of charitable institutions for the year 1874.

That, at the option of the holders of any of said warrants, the said warrants may be funded in bonds of the denomination of five dollars, with interest coupons attached thereto, at the rate of three per cent per annum interest from the first day of



July, 1880. The said bonds to be due and payable six years from the first day of January, 1880; the said coupons being payable at the State treasury on the first day of February and August of each year.

All moneys received in the treasury for all taxes and licenses due the State prior to the first day of January, 1879, except such as are otherwise provided for by this ordinance, shall be set aside to pay the interest on said five dollar bonds, and to provide a sinking fund to redeem the same. The bonds above provided and interest coupons shall also be receivable for amounts due to the State for the redemption or purchase of property which has been forfeited or sold to the State for delinquent taxes and licenses of any of the years named in this article. The bonds so issued shall be receivable for the said taxes and licenses and the obligations of the public charitable institutions of the State given for the purchase of necessary supplies of food, clothing, medicine and hire of employes.

2. That portion of said taxes and licenses due the Interest Fund, subsequent to January, 1874, in any matured coupons issued by the State since that date.

3. That portion of said tax due the levee fund since the year eighteen hundred and seventy-one to the year eighteen hundred and seventy-six, inclusive of both years, in any valid warrants issued to the levee company and indorsed by the Auditor and Treasurer of the State as follows: "Receivable for levee tax due from eighteen hundred and seventy-one to eighteen hundred and seventy-six, inclusive;" and the Auditor and Treasurer are hereby authorized to so indorse warrants issued by the Levee Company, as provided above, to an amount sufficient to cover the balance due on the judgment recovered by said company in the case entitled Louisiana Levee Company vs. the State of Louisiana, No. 7163, in the Supreme Court of Louisiana.

*Be it further ordained, etc.,* That no Auditor's warrant shall be taken as valid for the purpose of payment of taxes and licenses or for funding as hereinbefore prescribed, until the same shall have been examined by the Auditor, Treasurer and Attorney General of the State, and indorsed by them as valid. Said



warrants, when so indorsed, may be surrendered to said officers, and by them registered and cancelled, and in lieu thereof said Auditor and Treasurer shall issue certificates in sums of five, ten, twenty or fifty dollars, as may be desired by the holder of said warrants, which shall be receivable for all taxes and licenses due the State prior to January 1, 1879, except the taxes due the Interest Fund and Levee Fund.

*Be it further ordained*, That all taxes and licenses due any parish or municipal corporation prior to January 1, 1879, may be payable in any valid warrants, scrip or floating indebtedness of said parish or municipal corporation, except judgments.

#### INDEBTEDNESS OF THE STATE TO ITS FISCAL AGENT.

*Be it ordained by the people of the State of Louisiana in Convention assembled*, The debt due from the State to its Fiscal Agent, being in amount one hundred and eighty-seven thousand seventy-seven dollars and twenty-four cents (\$187,077 24), subject to such reduction as may result from credits arising out of taxes due to the Interest Fund since June 30, 1879, which said debt was created under the contract made between the Board of Liquidators and the Fiscal Agent, under date of twenty-fifth May, 1877, and under act No. 28, session of the Legislature of 1878, is hereby declared to be a valid obligation of the State; and the Legislature shall, at its first session after the adoption of this Constitution, provide for the payment of the same; and the Fiscal Agent shall, as a condition precedent to said payment, surrender and deliver to the Auditor of the State for cancellation, the interest coupons which were taken up and held by said Fiscal Agent at the time of making the advances which created the said indebtedness; but the interest to be allowed said Fiscal Agent shall be at the rate of four per cent per annum until the debt is paid.

#### ORDINANCE—LOAN BY FISCAL AGENT.

ART. 1. *Be it ordained by the people of the State of Louisiana in Convention assembled*, That the Fiscal Agent of this State shall be and is hereby empowered by authority of this Convention to negotiate a loan of twenty-five thousand dollars or so

much thereof as may be necessary, at seven per cent per annum to defray the residue of the expenses of this Convention not provided for by the act of the General Assembly calling this Convention, and to enable the Convention to complete the work of framing the new Constitution.

ART. 2. That said loan shall be evidenced by certificates of indebtedness, signed by the President of this Convention, and countersigned by the Secretary thereof, under seal of this Convention, in sums of five hundred dollars or under, bearing seven per cent per annum interest from the date of such certificates until paid, and payable on the fifteenth day of March, A. D. 1880, at the State National Bank of New Orleans, in the city of New Orleans.

ART. 3. The first General Assembly convened under this Constitution shall make a special appropriation to liquidate the debt which this Convention has contracted or may contract, as per ordinance adopted authorizing the Fiscal Agent of the State to negotiate a loan of twenty-five thousand dollars for the purpose of enabling this Convention to complete the work of framing this Constitution.

### STATE DEBT.

ARTICLE 1. *Be it ordained by the people of the State of Louisiana, as provided by law,* That the State Debt Ordinance be amended so as to read as follows: That the interest to be paid on the Consolidated Bonds of the State of Louisiana, be and is hereby fixed at two per centum per annum for five years, from the first day of January, one thousand eight hundred and eighty (1880), and four per centum per annum thereafter, payable semi-annually; and there shall be levied an annual tax sufficient for the full payment of said interest, not exceeding three mills, the limit of State tax for all purposes being hereby fixed at six mills; and said bonds and coupons shall be duly stamped: "Interest reduced to two per centum per annum for five years from January 1, one thousand eight hundred and eighty, and four per centum per annum thereafter."

ART. 2. That the holders of the Consolidated Bonds may, at any time, in order that the coupons may be paid, present their bonds to the Treasurer of the State, or to agents to be appointed by the Governor, one in the city of New York, and the other in the city of London, England, and the said Treasurer or agents, as the case may be, shall indorse or stamp thereon the words: "Interest reduced to two per centum per annum for five years from January 1, one thousand eight hundred and eighty (1880), and four per centum per annum thereafter;" and said Treasurer or agent shall indorse or stamp on said coupons the following words: "Interest reduced to two per cent per annum;" or "interest reduced to four per centum per annum," as the case may be.

ART. 3. *Be it further ordained*, That the coupons of said consolidated bonds falling due the first of January, 1880, be and the same is hereby remitted, and any interest taxes collected to meet said coupons are hereby transferred to defray the expenses of the State government.

*Be it further ordained, and it is hereby ordained by this Constitutional Convention*, That the foregoing provisions and articles relative to the consolidated debt shall not form a part of this Constitution, except as hereinafter provided, as follows:

At the election held for the ratification or rejection of this Constitution, it shall be lawful for each voter to have written or printed on his ballot the words, "For ordinance relative to State debt," or the words, "Against ordinance relative to State debt," and in the event that a majority of the ballots so cast have indorsed on them the words, "For ordinance relative to State debt," then the said foregoing provisions and articles of this ordinance shall form a part of the Constitution submitted, if the same is ratified; and if a majority of the votes so cast shall have indorsed on them the words, "Against ordinance relative to State debt," then said provisions and articles shall form no part of this Constitution.

LOUIS A. WILTZ,  
President and Delegate from the Ninth Representative District  
of the Parish of Orleans.  
WM. H. HARRIS, Secretary.

## CITY DEBT ORDINANCE.

Proposing an amendment to the Constitution providing for the funding of the bonded debt of the city of New Orleans, other than Premium Bonds, into four per cent bonds; providing a special tax of one per cent to pay the bonded debt of the city, and exempting the said four per cent bonds from taxation, and further authorizing the said city to assume and pay such unpaid claims of the Board of School Directors of said city and parish which it may find to be equitably due by said board.

SECTION 1. Be it resolved by the Senate and House of Representatives of the State of Louisiana, two-thirds of all the members elected to each house concurring, That the following amendments to the Constitution of the State be submitted to the electors of the State at the next election for Representatives for the General Assembly in the year 1892, for the purpose of retiring the now existing valid outstanding bonds of the city of New Orleans, including the bond certificates or bonds issued under the act of the Legislature No. 58 of 1882 and to retire judgments now or hereafter rendered against the city on floating debt claims prior to 1879, entitled to be funded under act No. 67 of 1884, the said city of New Orleans is hereby authorized and directed, on and after the adoption of this amendment, to issue through the Board of Liquidation of the City Debt, bonds to be known as the Constitutional Bonds of the city of New Orleans, not exceeding ten millions of dollars, at fifty years, bearing four per cent per annum interest to bear date and be in the form prescribed by the Legislature. The said bonds shall be applied by the said board to the retirement of said outstanding bonds and judgments, by the sale of said Constitutional Bonds, and application of the proceeds of sale by the Board of Liquidation, to pay or purchase said outstanding bonds and judgments, or by exchanging the said Constitutional Bonds for bonds, on the terms and in the mode prescribed by the Legislature. For the payment of the interest and principal at maturity, of said Constitutional Bonds, and other outstanding bonds not retired under this amendment, and for the payment of the annual allotments and premiums of the Premium Bonds of said city, the said city is hereby authorized and directed to levy an-



nually, and until the full payment of said bonds, a special tax of one per cent on all the real and personal property of the city, said tax to be part of, and not in addition to the tax of twenty mills and two-tenths of a mill on the dollar of valuation now levied for all purposes by the city of New Orleans, and the said tax shall be paid over as collected to, and be applied by the Board of Liquidation, to the payment of the interest and principal at maturity of said Constitutional Bonds, and outstanding bonds not retired, and to the payment of the allotments of Premium Bonds and premiums extant, in the hands of holders.

Said tax is hereby declared to be the contract right of the holders of all said bonds; and the exemption of said Constitutional Bonds from all taxation by the city of New Orleans and State of Louisiana is hereby recognized and declared, and after payment of all the annual interest on said Constitutional Bonds and bonds not retired and the payment of the said annual allotments of Premium Bonds and premiums extant in the hands of holders, and after making provisions for a sinking fund, at such time and of such an amount as the Legislature prescribes, the surplus of said one per cent shall be disposed of as prescribed by the Legislature.

The act passed at the present session No. 36, entitled "An act to carry into effect the Constitutional amendment passed at the present session relative to the bond debt of the city of New Orleans," etc., be and is hereby approved and confirmed in all its parts as a contract between the city of New Orleans and the holders of said Constitutional Bonds, Premium Bonds and of the bonds outstanding not retired as aforesaid.

SECTION 2. Be it further resolved, etc., That the city of New Orleans be and is hereby authorized and empowered to examine into and assume the payment of the claims or obligations of the Board of School Directors for the city and parish of Orleans due for the years 1880, 1881, 1882, 1883 and 1884, now in the hands of original owners, who have in no wise parted with their right of ownership or pledged the same, as may be found to be equitably due by said board for services rendered, labor performed or materials furnished by authority of said board.



SECTION 3. Be it further resolved, That all electors voting at said election for said amendment shall place upon their ballots the words, For the city of New Orleans debt amendment," and all electors voting at said election against said amendment shall place on their ballots the words, "Against the city of New Orleans debt amendment."

Jos. L. Herwig.



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